



## Courts and the Public: *The Need for Better Public Communication*

**I**t has only been with the development of polling technology within the last thirty or forty years that we have had the ability to directly and reliably ascertain the state of public attitudes toward legal institutions. It has only been within the last twenty years or so that what has been called a "crisis of confidence" in the institutions that administer justice in this country has surfaced.

Early research on the trial courts in the 1950s, 1960s, and early 1970s reported five interesting findings:

(1) that . . . the public was generally supportive of the trial courts; (2) that the level of public awareness and knowledge of the courts was very low; (3) that the more people knew about the courts, or the greater their experience with the courts, the less supportive they were; (4) that attitudes toward the courts were often linked to attitudes toward government generally, especially the federal government; and (5) that the public believed that the courts treated some people better

than others.

Low public awareness and knowledge of the courts continues to be reflected in the surveys of the late 1970s, 1980s, and 1990s. More than 60 percent of those polled in California in 1992, for example, claimed only limited familiarity with the judicial branch and most had no direct contact with the courts. And, like the earlier surveys, those with the most direct experience with the courts—litigants—and those who had been in court most recently, held the court system in even lower regard than others surveyed.

The court community is well aware of the challenge of public mistrust. In 1994, a survey by the American Judicature Society found

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*Roger K. Warren is president of the National Center for State Courts. What follows are excerpts from a speech he presented to the Mid-Atlantic Association for Court Management at Cape May, New Jersey,*

*October 22, 1996. This speech was published in The Court Manager (spring 1997), the journal of the National Association for Court Management. Used with permission.*

## How the Courts Are Responding

**T**his issue of *NASJE News* marks the beginning of a series of articles about what state courts and judicial educators can do (and are doing) to improve public trust and confidence in the courts. Here's what a few state courts are doing to reach out to the public—and to help the public reach out to the courts.

### **Delaware's Court Visitation Program**

Chief Justice E. Norman Veasey instituted a court visitation program in 1997 for members of Delaware's

general assembly, elected officials, and cabinet secretaries. Fifteen officials spent a day in the court of their choice to garner a better understanding of the court's operations and caseload. Invitations were sent again in 1998 and, to date, ten officials have accepted. The chief justice designated the judicial educator, Franny Maguire, to coordinate the program. For further information, please contact Franny at (302) 577-8501.

### **Utah's Court Information Line**

The Utah State Courts are com-

bining old and new technologies to improve communication with the court community and the general public. People looking for general court information can use the state courts' Web site. People seeking answers to specific questions can call a dedicated telephone line. The Court Information Line provides a central contact point for the court system and is a "low-tech" response to the need to facilitate public access to information. It was introduced in January as a one-year pilot program. This toll-free telephone number is

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## PRESIDENT'S COLUMN

*Ellen Marshall*

**N**ASJE received some great news since I last wrote. The State Justice Institute (SJI) board invited us to submit an application for a National Symposium on the Future of Court Education. As you are aware, the concept paper grew out of the initial work of the Futures Committee under Blan Teagle's chairmanship and Karen Thorson's inspiration. NASJE is part of a coalition of partners, including the National Judicial College, Conference of State Court Administrators, Conference of Chief Justices, National Council of Juvenile and Family Court Judges, National Center for State Courts, National Association for Court Management, and the Federal Judicial Center. NASJE will manage the grant writing and curriculum development processes while NJC will handle grant management responsibilities under the proposal submitted to SJI. If awarded, this will be one of the first grant projects to enjoy such widespread input from all of the major actors in the court education and management field. The Futures Committee will continue to play a critical advisory role to the coalition and will be directly involved in writing the grant application.

### **1998 Committee Assignments**

Thanks to all of you who responded to my call for member involvement on committees. I was able to assign most of you to your first choice of committees and will join your committee's initial conference call meeting. Thanks to all of you for your continued commitment to NASJE's viability.

### **Midwinter Board Meeting**

Your board accomplished much

on your behalf during its weekend meeting on February 8 and 9, 1998, in San Francisco. The Standards Committee met on February 7 and developed additional standards and commentary on judicial education to reflect changes in the field and to strengthen standards to reflect diversity concerns. In addition, the committee began outlining standards for court staff education.

Additional sections of the Policy and Procedures Manual were distributed for board input, and the board reviewed the status of 1997-1998 goals under NASJE's strategic plan and discussed the current committee structure. Board members voted to retain the position of treasurer. Our deliberations resulted in a referral to the Bylaws Committee to simplify the process for creating, continuation, and termination of committees.

On Monday, February 9, the board met at the CJER offices and participated in an evaluation of SJI conducted by Judge Aaron Ment from Connecticut and Tony Gagliano from Louisiana. It also discussed possible locations and dates for our 1999 conference and educational topics for the 1998 conference.

### **1998 Conference Location Change**

The Northeast Region proposes a more viable site for our 1998 conference, the Red Jacket Mountain View at the White Mountains in North Conway, New Hampshire. The Portland, Maine, Jetport is still the airport serving our conference set for October 18-21, 1998. Libby Hodges reports that the hotel sits on 40 acres overlooking the beautiful White Mountains and is close to outlets and antique shops. This will be a great opportunity to bring the family for a fall foliage

vacation before or after the conference. Hiking trails and waterways for canoeing lie within three miles of the hotel.

Your Education Committee has been hard at work planning the conference agenda. The committee has already responded to many of your suggestions that we provide more opportunities for networking among ourselves and for modeling successful programs. We can look forward to workshops that improve our ability to manage and a complete track for those of us providing court staff training.

### **Dues Notices**

You should have all received a 1998 dues notice. I encourage those of you who are able to pay this promptly so that we can build up our operating funds account. Thanks to those of you who pay early every year. If you paid dues after August 15, 1997, that payment was applied to 1998 dues and, therefore, you won't get a notice until next year. Last-minute dues payments complicate the work of the nominating committee, who must certify eligibility to vote at the conference.

### **This Issue**

Congratulations to the Newsletter Committee for another thought-provoking issue. *NASJE News* has been a significant vehicle for improving the practice of judicial education and for providing a communications link to all of us between annual conferences. Happy reading of the enclosed articles about effective communication between courts and the public, news from the Northeast Region, and books currently being read by several of our colleagues. ■

# STATE PROFILE: Colorado

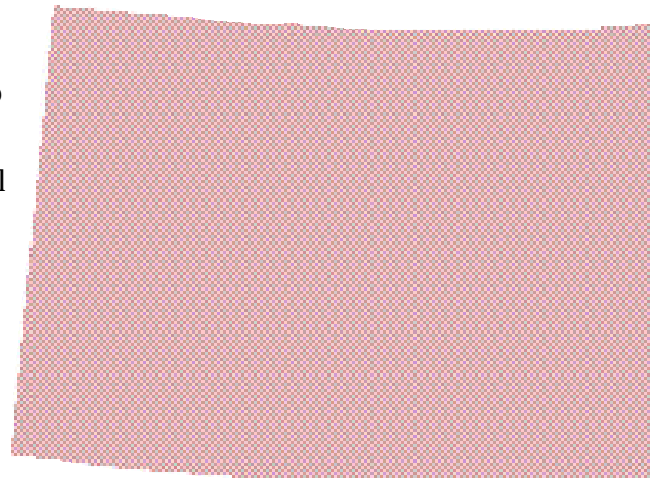
Continuing judicial education is mandatory in Colorado, with judges required to complete 45 units of CLE every three years, a portion of which must be ethics. The majority of the required CLE credits can be earned by attending our mandatory Judicial Conference held in October each year. Substantive legal updates are regularly on the agenda at the Judicial Conference, with a smaller percentage of the programming devoted to discussions on provocative judicial issues. We draw on the experience and expertise of our own judges, and other noteworthy members of the legal community, to determine the content and scope of the conference. A supreme court standing committee, appointed by Chief Justice Anthony Volland, serves as the planning group for this annual three-day conference.

Throughout the year, we offer a variety of judicial education opportunities, with an eye toward making the courses attractive to our greater audience of district and county judges representing urban and rural areas. Court magistrates are invited to attend any judicial training, and we encourage their participation in developing program materials and benchbooks.

The Colorado Judicial Branch trainers are proud of the Faculty Skills Development Series, which is offered to all judges and court personnel. Based on the premise that our own judges have the most knowledge of their colleagues' edu-

cational needs, we offer this series of courses in an effort to develop a faculty of judicial officers well trained in educational theory and curriculum development. The Faculty Skills Development Series is offered three times a year. Its most recent addition is a course on presentation skills to assist judicial branch personnel, particularly judges, who are called upon to make presentations to different audiences. The course provides them with tips for giving a presentation, from topic selection to audiovisual aids to relaxation techniques.

New Judge Orientation and Advanced Judge Orientation are offered two-to-three times annually. The courses include presentations by "seasoned" judges from both the trial courts and the appellate courts, and course topics may vary depending upon the most pressing issues facing the judiciary at a given time. We recently included a technological component to the orientation, because Colorado is committed to the concept that basic computer skills in legal research are part of being a good judge. Colorado is fortunate to have a district judge who is preparing an electronic benchbook, which we hope to have in each courtroom later this year. All



judges and magistrates will be trained to use this significant tool at this year's Judicial Conference.

One of the most challenging aspects of a judicial educator's job is becoming aware of the biggest challenges facing judges and of which training topics would help judges the most in their everyday responsibilities. To address this concern about program development, Colorado is forming a Judicial Education Advisory Panel. This panel will feature a representative group of state judges, who would give suggestions and advice on judicial training topics and programs, make recommendations on judges who might attend specialized training out-of-state, and provide input and support for a long-range judicial education plan. Many other states already have such support groups in place. ■

## Transitions

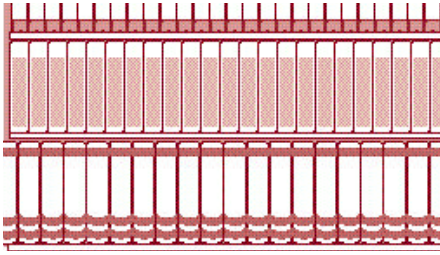
The *NASJE News* Editorial Committee welcomes two new members: Krista Johns, director of curriculum development, National Council of Juvenile and Family Court Judges, and Denise Kilwein, director of judicial education, Supreme Court of Kansas. Congratulations to Diane Cowdrey, director of education, Utah Administrative Office of the Courts,

on her appointment to the Institute for Court Management's Advisory Committee.

Tom Diggs is leaving his position with the National Center for State Courts to become an assistant dean at the law school of Regent University in Virginia Beach, Va.

Congratulations to Kevin J. Bowling, who has been appointed

director of the Michigan Judicial Institute, the judicial training arm of the Michigan Supreme Court. He replaces Dennis Catlin, who has accepted a teaching position at New Mexico State University. ■



# The NASJE Bookshelf

## In Their Own Words . . .

So, the question for discussion was this: “Do people still read books?” “Nah,” scoffed the young Web enthusiast. “Only work-related journals and publications,” sighed the harried administrator. “I do indulge in ‘mind popcorn’ on rare breaks,” admitted the career judge. Thus began this unofficial, unscientific exploration of book readership. Our results were surprising and impressive; an astonishing 100 percent of the random sample had just completed one or more books. And not only do people still read books, they do so with gusto. Here in their own words are reviews of books recently read by individuals in our research sample.

**Richard Rosswurm** is judicial educator for the state of West Virginia, as well as chief deputy and administrative counsel for the West Virginia Supreme Court of Appeals.

*Messages from My Father*, Calvin Trillin (Noonday Press; Farrar, Straus and Giroux, 1996). This book was a gift from my daughter. In the story, a journalist ruminates about things learned from his entrepreneur father—subtle signals and mostly delayed realization of those signals. More notably, the book speaks to universal good father-child relationships, which today are missing from the lives of all too many kids.

**Patricia Hillman Murrell** is director of the Leadership Institute in Judicial Education and the Center for the Study of Higher Education at the University of Memphis.

*Black and Blue*, Anna Quindlen (Random House, 1998). This is a novel about a woman and her marriage with a policeman that begins as a loving relationship and moves to a violent one involving her and her son. It is excellent for understanding why people stay in abusive relationships and what their choices are.

*The Courage to Teach*, Parker Palmer (Jossey-Bass, 1998). This

book is a record of Parker Palmer’s thinking about teaching that moves beyond technique to the identity and integrity of the teacher. Palmer discusses what it means to be an authentic teacher and how that authenticity enables one to connect with learners.

*Poetic Justice*, Martha Nussbaum (Beacon Press, 1995). Nussbaum makes a case for using literature as a means of glimpsing the interior experiences of other people and to imagine the value of their lives. She advocates the relational way of knowing, or concrete experience, as well as the objective ways of knowing, or abstract conceptualization, as means of developing “rational emotions” and a humanistic concept of reasoning.

**Christine Bailey** is a senior attorney with the National Council of Juvenile and Family Court Judges. She is developing a curriculum on *Working Together: A Strategy for Systems Change* involving judicial leadership, collaboration, facilitation, and community involvement.

*The Thinking Person’s Guide to Sobriety*, Bert Pluymen (Bright Books, Austin, Texas, 1996). What is my high-school class president and salutarian doing writing a book about alcoholism? My brother sent me a clipping from the Austin newspaper describing Bert’s book, and I could not wait to read it. Bert was a success story from our class, arguing and winning his first case in the United States Supreme Court at age 28. He became the youngest civil trial attorney in the country to be recognized in *The Best Lawyers in America*. In addition to Bert’s experience, we hear the experiences of other professional men and women, including a marathon runner, basketball star, writer, chemical engineer, interior designer, realtor, and investor who have fought back from alcohol abuse. The book weaves cutting-edge scientific chapters that dispel some of the

myths of alcoholism. I learned that women’s bodies react differently to alcohol and that women suffer heart, liver, and brain damage after drinking less and for a shorter time than men. The facts are serious; the experiences of Bert and the others are inspiring. Surprisingly, I laughed out loud many times when reading this book. It is entertaining and uplifting.

*The Cup of Our Life: A Guide for Spiritual Growth*, Joyce Rupp (Ave Maria Press, Notre Dame, Indiana, 1993). During Lent, I was on a quest for more balance in my life. I was tired of New Age visions, psychological mumbo jumbo, and TV spirituality. I wanted something (but I didn’t know what) for a daily meditation during this season of self-examination. One weekend while at my favorite bookstore, I picked up *The Cup of Life* by Joyce Rupp, a well-known writer, poet, and spiritual director, because the jacket has a striking woodcut of a hand holding a coffee cup. The author uses the ordinary cup as a symbol of our inner journey. She structures a six-week daily program of prayer, meditation, and journaling from this common utensil, found in offices, dorm rooms, and households everywhere. This book is a gift of simple practices, which within the first week enhanced my spiritual life.

*The Main Corpse*, Diane Mott Davidson (Bantam Books, 1997). I love murder mysteries written in the nice, polite style of the British—no graphic blood and gore please. I also love cookbooks; I can sit and read them like a novel. What a treat to find an author that combines the two! Diane Mott Davidson’s Coloradan heroine is Goldy of Goldilocks Catering who seems to find murder at many of her catering jobs. If you want hard-boiled, realistic police drama, you won’t get it in Davidson’s series. You will get Goldy’s recipes for such

tempting fare as Rainy Season Chicken Soup and decadent Chocoholic Cookies interwoven among her adventures. The author also includes many of our society's concerns, such as family violence, the impact of divorce on children,

and single parenthood in the series. The books are cleverly titled to appeal to food lovers: *Catering to Nobody*, *Dying for Chocolate*, *The Cereal Murders*, *The Last Suppers*, *Killer Pancake*, and her latest, *The Grilling Season*. *The Main Corpse*

focuses on a mine venture, which becomes a case of stolen millions and multiple homicides. It's a great airport book. You may get hungry reading about Goldy's great cooking,

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## NORTHEASTERN REGIONAL NEWS

**I**n February 1984 the Northeastern Region commenced its first regional, interstate conference with judges from Delaware, Maryland, New Jersey, and Pennsylvania. The Northeastern Region has had numerous regional programs each year.

The most recent interstate program was in October 1997 in Rockport, Maine, for judges from Maine, New Hampshire, and Vermont on "Preparing Our Judges for the 21st Century." Topics included The Human Genome Project and its Legal Implications; Nature's Law—The Ultimate Judge (an Astrophysical Case History); Security Briefing; Judicial Writing of Literary Value and Literature that Expands Judicial Thought; and Judicial Gatekeeping (Daubert case).

The tradition of interstate programs continued with a conference of all Northeastern judicial educators in Portland, Maine, in March 1998 to share information, ideas, and thoughts on a full gamut of topics. This conference provided a unique opportunity for judicial educators from the Northeastern Region to learn from each other with the goal of providing more effective education programs within their own states.

In addition to the ubiquitous orientation seminars, substantive law and recent development programs, court administration and case management seminars, and computer-training programs,

which we all do, New Jersey has enhanced its offerings by focusing attention on other areas, as well. Some recent programs include Judicial Behavior—this program uses video vignettes to spark discussion about the varieties of judicial styles and personalities, their expression in the courtroom and chambers, and their impact on the process and the participants; Courtroom Communication—the course reviews judges' interpersonal communications styles and their impact on jurors, witnesses, and attorneys; Judge's Role in Encouraging Professionalism—a how-to course to encourage civility, respect, and fair play in the courtroom, as well as during litigation; Surviving in the Family Court—how to cope with the most difficult judicial assignment when all seems lost; Videotape Analysis—judges are videotaped both on the bench and in chambers, thus providing judges with visual feedback to help them with their presentation and communication skills; and Courtroom Observers—retired judges observe judges in various courtroom proceedings and provide those judges with constructive feedback on their performance.

Another recent interstate program was Children and Courts, where judges from Connecticut and New Jersey met in Stamford, Connecticut, to discuss Medical, Legal, and Ethical Issues of Adolescents; Emotional and Development Neglect; Forensic Evidence Concerning



Children; Role and Relationships of Fathers, Sons, and Their Families; and Forensic Interviewing; The Language Children Speak and Understand.

An innovative and recent highlight of Rhode Island's programming was the Survival Spanish for Judges course, which runs eight weeks. The course includes "bench" conversational Spanish, which is now being used by over half of Rhode Island's judges.

Delaware and Maryland judges will participate in Genetics in the Courtroom in October in Ocean City, Maryland. The program is sponsored by the Einshac Institute of Washington, D.C. Staff in Delaware have recently completed diversity training and telephone techniques courses.

For more information on any of the above items, please contact the respective state judicial educator or Richard Saks, the Northeastern Regional Director. ■

## The NASJE Bookshelf, *continued*

but you won't even notice that your plane is delayed for another hour!

**Susan P. Finlay** is a judge of the South Bay Municipal Court in San Diego County. She has served as interim director of the Center for Judicial Education and Research, was one of the founders of the Institute for Faculty Excellence in Judicial Education, and is now developing a new drug court.

*The Zen of Recovery*, Mel Ash (G. P. Putnam's Sons, 1993). This is a highly unusual book, which equates the twelve steps of AA to the spiritual experience of Zen Buddhism. I highly recommend it for anyone, whether in recovery or not.

*The Drama of the Gifted Child: The Search for the True Self*, Alice Miller (Basic Books, Perseus Books, 1997). This is an insightful examination of how we become separated from our true or authentic selves.

*Quantum Psychology: How Brain Software Programs You and Your World*, Robert Wilson (New Falcon Publications, 1993). This is about the brain's software programs. You have to read it!

*Under the Tuscan Sun: At Home in Italy*, Frances Mayes (Broadway Books, 1997). *Tuscan Sun* is about the loving restoration of a Tuscan villa. It makes you want to relocate immediately. It's very peaceful and relaxing.

**Karen Thorson** is director of education services with the Supreme Court of Arizona. As an active officer and member of NASJE, Karen still finds time to read.

*Bucking the Sun*, Ivan Doig (Simon and Schuster, 1996). This is the story of a Montana family, uprooted from their home due to a New Deal project—the Fort Peck Dam. The book follows the family as each member eventually ties his or her life to the dam, its planning, its building, and its related social development. Characters become well-known, and the scope of the story is grand. Readers will feel that they really get to know these folks and the rough-and-tumble life that developed in such a transient environment as the building of a great dam. The ending, which is given

early in the book, is still a surprise at the end. (The author has written *This House of Sky* and several other western novels.)

*Snow Falling on Cedars*, David Guterson (Harcourt Brace, 1994). This book tells a story within a story. The opening story is set in the 1950s and is about the murder trial of a Puget Sound boat fisherman who has killed another. In the telling of the trial, however, a second story is told—that of the internment of the Japanese of San Piedro Island during the Second World War and the long-time impact it had on both the Japanese and other residents of this isolated island. (This book won the Pen/Faulkner Award.)

*When You and I Were Young, Whitefish*, Dorothy Johnson (Montana Historical Society Press, 1997). This is the coming-of-age story of this well-known author as she grows up in a small Montana town. The charm of this book is both in the story and in the way it is written. It represents a true visit to the past, when life seemed simpler, but probably wasn't. (This was written by the author of *A Man Called Horse*.)

*She's Come Undone*, Wally Larson (Pocket Books, 1992). This is another coming-of-age story, but this one goes through adulthood. Although the main character is a little extreme (to say the least), we can each identify with some of her thoughts and feelings as she navigates life, either projecting her thoughts onto the actions of others or alienating people with her outspokenness. Her determination to survive in spite of herself is one of the reasons to keep reading this book. (The author is male, although the main character is female—an interesting perspective. I think this was on Oprah's reading list, and there are some adult themes.)

**Kathleen Sampson** is director of programs at the American Judicature Society in Chicago.

*A Certain Justice*, P. D. James (Alfred A. Knopf, 1997). *Deception on His Mind*, Elizabeth George (Bantam Books, 1997). My favorite

leisure-time reading is English police procedurals. I wait for new releases from two gifted women authors, P. D. James and Elizabeth George. Although their styles are different, each is a master of the genre. P. D. James's new book is *A Certain Justice*, in which poet/police commander Adam Dalgleish works to solve a series of murders. It begins with the grisly death of Venetia Aldridge, a criminal defense lawyer with a hard edge and a harder heart, and ends at an isolated house in the marshes.

Elizabeth George's latest is *Deception on His Mind*, set in a dying seacoast town. Sergeant Barbara Havers heads for the fading resort for some rest and recreation and becomes embroiled in a murder investigation. This is not only a story of a murder investigation, but also an exploration of interethnic conflicts and misunderstandings, the nature of ambition, the imperatives of friendship, and the boundaries of ethical conduct.

Both books are beautifully plotted. James writes with a kind of austere distance, while George packs a more emotional punch. Both are fine reading.

**Gerald E. Rouse** is judge of the Seward, Nebraska, County Court. He also serves as judicial educator and vice-president for the National Council of Juvenile and Family Court Judges.

*The Complete MAUS*, Art Spiegelman (Pantheon Books, 1997). This Pulitzer Prize winner is a comic book rendition of the Holocaust. However, there is nothing "comic" about it. The story zips back and forth between the author's present-day interactions with his father, a survivor of Dachau, and his father's chilling account of his life in Poland before and after invasion by the Nazis. The author's mother survived Auschwitz, only to commit suicide years later in America.

The comic strip format depicts the Nazis as cats and the Jews as mice. The story is a gripping account of the treatment of the Jews, their place in society, and the lengths to which they had to go to survive. It is also a story of a family ravaged by the bru-

tality of the Holocaust and the author's personal struggle to come to grips with it all. It sheds a harsh light on a painful epoch in our recent history and causes one to think twice about our assumptions regarding human nature.

**Mary Finn Maples** spends a large portion of her year teaching and consulting with state judicial educators and judges. She is a professor of counseling and educational psychology at the University of Nevada.

*The Great Hunger: Ireland, 1845-1849*, Cecil Woodham-Smith (Old Town Books, 1989). "The luck of the Irish" was not a sentimental, positive, wishful term in the days that people in this country were reading about the tragedy of the Donner party and becoming dazzled by the gold strikes in California. The term came into popularity after a million Irish immigrants had suffered degradation, poverty, discrimination, and outright rejection, yet, like the phoenix, rose from the ashes stronger and more determined, becoming the great lovers of life and humor that we associate with them and their "luck" today.

*The Great Hunger* is a well-researched history of the potato famine of the 1840s, which decimated the population of Ireland (then three million) by one-third, sent another third to the U.S. and Canada, and left the country in 1849 with a total population of less than one million. In America, the Irish immigrants came to be regarded as a danger to the health of the community and a burden to society, and this less than 150 years ago. For persons of any nationality, *The Great Hunger* is an inspirational, fact-filled chronicle of the incredible disease, hunger, and deprivation that caused the Irish immigrants to work for wages no American would accept. A worthy and knowledge-building read!

*Angela's Ashes*, Frank McCourt (Scribner, 1996). To call this book whimsical, nostalgic, and enjoyable might cause one who has already read it to question the sanity of this reviewer. However, it is all three, in addition to being tragic, heartrending, and tearful. It is the early autobiography of the author "Frankie McCourt." Born in Brooklyn, Frankie returned with his family to

Ireland at a very early age—around three—because the Irish in New York were still suffering much of the deprivation of earlier generations in 1934.

The story follows Frankie, the eldest of five children, then four, then three, and finally two children, all having died of the even worse poverty that awaited them when they returned to Limerick City in Ireland. The whimsy and humor are supplied by Frankie, without rancor or self-pity. The despair he experiences is for the remarkably tragic figure of his mother, Angela, the stalwart, loving, and ever-faithful wife of an incurable alcoholic, depressing, and always fanciful husband. The ingenuity of Frankie to help keep his family alive can teach children of today (and adults, too) a great deal about creativity.

The story is written in often ungrammatical but highly readable prose; the writer achieves that magical quality of appearing to speak directly to the reader.

*The World of Hibernia*, a quarterly publication of The World of Hibernia, Inc., 305 Madison Avenue, Suite 411, New York, NY 10165 (\$50 per year). This magnificent quarterly journal is for literature and art lovers throughout the world. Yes, the subscription cost is a bit hefty, but the quality of stories, artwork, and research are well worth it. Recent highlighted features have included "The Hollywood Irish," a stunning display of the unusual number of stars of Irish ancestry, including Tom Cruise, Mel Gibson, Liam Neeson, Meg Ryan, Harrison Ford, Daniel Day-Lewis, the Baldwin brothers, and George Clooney.

Other issues featured famous canine breeds that emerged from Irish stock, unusual Christmas and other holiday celebrations in different countries, corporate chieftains in the United States of Irish ancestry, playwrights, authors, unique architecture, sports figures, and traditional games. I suspect that the reason this beautiful volume is only published four times a year (other than the publication cost) is that it takes a good couple of months to truly "devour" this unusual journal. A great educational and heartwarming journey without leaving home.

**Mary Fran Edwards** is a horse-woman, world traveler, and academic director for the National Judicial College. She is also active in the International Bar Association.

*Sharpe's Tiger*, Bernard Cornwall (Harper Paperbacks and HarperCollins, 1997). This is the prequel to the exciting novels that inspired the *Masterpiece Theater* series on Richard Sharpe. Although not published until 1997, chronologically this is the first Sharpe story, set in India in 1799. Illiterate Private Sharpe, who joined the British Army by accident, demonstrates his courage as a soldier and brilliance as a military strategist while going on a daring undercover rescue operation behind enemy lines. He personally fights the notorious Tipoo Sultan during the battle of Mysore—not to mention outwitting a rather large tiger. Much to his inconvenience, Sharpe also discovers his loyalty to the British Army. He takes the first two steps toward his long, successful military career during the Napoleonic Wars; by the conclusion of *Sharpe's Tiger*, he has become a sergeant and learned to read. This and the thirteen Sharpe novels that follow are the result of meticulous historical and military research, combined with engaging characters. Sharpe the archetypal underdog, struggles to better himself and beat the British aristocracy at its own game.

*Uppity Women of Medieval Times*, Vicki Leon (Conari Press, 1997). This charming book contains dozens of brief, wittily written descriptions of iconoclastic, ruggedly individualistic women from the early centuries after Christ to Colonial America. Through their careers and independence, these women, many little known even in feminist circles, marched to their own drummers. Their successes in patriarchal societies and times when women's rights, education, and mobility were severely restricted are inspirational. As written by Leon, the stories are also often funny. Thanks to the brevity of each biography, this made a perfect book to read during Olympic television commercials!

*The Path to Power*, Margaret Thatcher (HarperCollins, 1995).

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## Courts and the Public: The Need for Better Public Communication, *continued*

that 80 percent of the court community acknowledged a lack of public trust and confidence in their respective jurisdictions and ranked this challenge as one of the five most pressing problems facing their courts.

Public trust and confidence are the ultimate measures of court performance. A decline in public respect thus, in reality, reflects a decline in our courts' performance. The Trial Court Performance Standards, for example, establish standards in the areas of (1) Access to Justice; (2) Expedition and Timeliness; (3) Equality, Fairness, and Integrity; and (4) Independence and Accountability. The Standards themselves state that public trust and confidence are likely to be present where, as measured by these four standards, a court's performance is good and public communications are effective. Thus, the fifth and final and ultimate standard of court performance is, as the Trial Court Performance Standards recognize, whether the public has trust and confidence that a court is meeting the first four performance standards.

The American public's trust and confidence in the courts is the ultimate measure not only of the courts' good performance, or excellence, but also of the extent of the courts' public accountability.

### Elements of Effective Communication

What do courts have to do to inspire public trust and confidence? The answer, as the Trial Court Performance Standards indicate, is through good performance and effective public communication—because, where both those elements exist, public trust and confidence are likely to be present.

The first element of effective communication is, indeed, the element prescribed by the Standards, namely public information and education — informing the public of the structure, functions, and programs of the courts and educating the community about the law and the role of the courts. Although many public education programs already exist in

our courts, we are increasingly aware that public outreach does not come easily to many judges.

The 1994 AJS survey found that the court community believed that the single greatest contributor to the absence of public trust and confidence in the courts was inadequate public knowledge and understanding of the court system. Not surprisingly, those who work in the courts tend to feel not that it is the inadequacy of the courts' performance that results in lack of public confidence, but the fact that the public "just doesn't understand." But, although public misunderstanding is clearly a contributor to the public's lack of trust and confidence, the public might be rightfully skeptical that its concerns are attributable to its own misunderstanding.

Therefore, an important second element of effective communication is attentive, or responsive, listening. Communication is always a two-way street. We cannot merely lecture to the public about its own ignorance of judicial matters. Effective communication requires that the courts become more responsive to just and legitimate criticism. Let us not forget our own American heritage.

Two centuries ago the American colonists declared their independence from England precisely because, in the words of the Declaration of Independence, the English government had become "deaf to the voice of justice." The Declaration itself detailed twenty-seven complaints about English laws and administration of justice. After five years of war, the Declaration led to the creation of the U.S. Constitution in which "we the people . . . in order to . . . establish justice" created America's democracy. James Madison wrote in support of our new Constitution in *Federalist* No. 51: "Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained, or until liberty be lost in the pursuit." It is the people's search for justice that the courts of America must serve and to which they must be ever attentive.

A third element of effective com-

munication, and as important as public education and responsive listening, is greater public involvement and participation in the work of the courts. We must involve our communities in the operations and services of our courts. Especially in light of our democratic tradition, the American public is not likely to trust a court system that feels foreign, bureaucratic, or autocratic.

### Core Values of Legal Culture

The Founding Fathers believed that the justice system was critical to engendering public respect for the new government. Alexander Hamilton wrote in the *Federalist Papers*: "the ordinary administration of criminal and civil justice contributes more than any other circumstance, to impressing upon the minds of the people, affection, esteem, and reverence towards the government." It is still true today that through our leadership of the justice system we in the courts can play an important role in reconnecting the people to their government.

I would like to close with some comments about our legal culture and values. Our legal culture is much broader than merely the courts. Our legal culture embraces the law itself and all of our legal institutions. Even more important, our legal culture includes not only the public's *attitudes* toward the law and legal institutions but the *values* related to law and legal institutions.

What is most critical today is not that courts better educate the public about court structures, functions, and programs, but rather that courts, by both word and deed, honor the basic values upon which their processes are based.

What are the core values underlying our legal culture? Our challenge is to identify those core values and, in our relations with the public, learn how to more plainly and clearly communicate and affirm them. I mention three: (1) due process of law. The philosopher Justinian wrote: "Justice is the constant and perpetual wish to render to everyone his [or her] due." This core value of procedural fairness, expressed in both the Fifth and Fourteenth Amendments

## Second Leadership Convocation to Take Place Before Annual Conference

As many readers know, and as was announced in Ellen Marshall's "President's Column" in the winter 1997 issue of the *NASJE News*, Past President Karen Thorson introduced the proposal for a Judicial Branch Leadership Section of NASJE during the 1997 Leadership Convocation that preceded the 1997 Annual Conference. A number of convocation participants expressed strong interest in the section concept, and at NASJE's annual business meeting in October the members voted to add this category of membership. Section membership is available to judges and court administrators serving on judicial branch educational policy boards and planning committees for \$50.00.

One of the benefits of membership is a subscription to the *NASJE News* and early notice of future leadership

convocations.

We are proud to announce that the Second Annual Leadership Convocation will take place on Sunday, October 18, 1998, immediately preceding the 1998 NASJE Annual Conference. The Leadership Convocation Planning Committee is chaired by Blan Teagle and includes Cathy Lowe, Robert Clayman, and Kenny Miller. During the first full week of May 1998, Blan, Cathy, Robert, and Kenny plan to hold a conference call/focus group meeting with some of last year's participants, some Leadership Section potential participants for 1998, some past Leadership Convocation faculty members, and a few nationally known, interdisciplinary "great thinkers" active in or known to NASJE. The planning committee will

use the expertise of this focus group to conduct a comprehensive needs assessment and to design and develop the 1998 Leadership Convocation curriculum.

Please look for information about the Leadership Convocation in the next issue of the *NASJE News* and expect more detailed information in the mail about the agenda some time after the May focus group meeting. Anyone having suggestions for the 1998 Leadership Convocation is urged to contact Blan Teagle at (850) 922-5110. ■

to our Constitution, means, I think, "fundamental fairness," and includes at minimum the concepts of notice, opportunity to be heard, and absence of bias. (2) equal justice under law. This core value of equal treatment, emblazoned over the portico of the U.S. Supreme Court, captures the principle that under the rule of law no person is either above or beneath the reach of the law and that similarly situated persons should be treated equally under the law. (3) dispute resolution. This value recognizes that in a civilized society there must ultimately be some agreed upon process to finally and authoritatively resolve conflict and dispute, and identifies dispute resolution as the basic function of the courts.

Effective communication with the public requires that we focus on the fundamental values that underlie our justice system rather than the particular structures, processes, or procedures that implement them. There exists in our legal culture some abiding and fundamental belief in, and common-sense understanding of, basic values. There is not, however, and never will be, any

comparable public belief in, or understanding of, the constantly changing institutions that we have erected to attain those values. It is only at the level of basic purposes and values that we can hope to reconnect meaningfully with the American people.

Focusing on fundamental values will allow us not only to reconnect with the public but also to further affirm those values. Although the public overwhelmingly believes in the concept of equal treatment, research has shown that for most Americans that means that they want to be treated as well as anyone else, but do not necessarily mind if others are treated less well than they are. Effective communication between the courts and the public will allow the courts to affirm the importance of equal treatment *for everybody*.

To restore the public's trust and confidence, we must, more than anything else, by both our words and our deeds, honor the basic values that underlie our justice system. ■

### The NASJE Bookshelf, *continued*

Although written second, this is the first volume of Lady Thatcher's memoirs. She chronicles her early life as the child of a working-class grocer in Grantham, England. Inspired by her father's love of reading and politics and his dedication to public service, young Margaret has followed his example all her life. She attended Oxford on a scholarship and entered politics at a remarkably young age. She also shares a little about her relationship with her husband, Denis Thatcher. If her father, the mayor of Grantham, provided the inspiration, her husband provided the emotional and financial support that made Margaret Thatcher the prime minister of Great Britain and for a decade the most powerful woman on earth. Lady Thatcher's memoirs are well written. This volume, however, especially the first half, is much more appealing to an American reader than *The Downing Street Years*, which was clogged with excruciating detail about the British political system and economy. ■

## How the Courts Are Responding *continued*

answered during business hours. The availability of the line is advertised in each state court building.

The Court Information Line addresses questions raised by court users. These questions include requests for information, explanations of court processes, complaints about the courts, and referrals to appropriate organizations. The Court Information Line links callers with the resources of the courts. By creating this program, the state courts hope to increase their responsiveness to the public. In addition, the nature of the calls is tracked to identify systemic problems that can be addressed administratively. Early experience indicates that the number of requests for information greatly exceeds complaints.

### **Kansas' U.S. Supreme Court in Review Program**

Judges of the court of appeals have developed an educational program called the United States Supreme Court in Review. High-school students have an opportunity to play the part of the litigants, lawyers, and judges in two or three of the latest U.S. Supreme Court cases. Discussion is shaped through the use of the Socratic method and humor. The students vote on the outcome and are told how the court actually decided the case and why.

Last year, 28 court of appeals and district court judges and lawyers presented the program to 43 schools and at Boys' and Girls' State. More than 2,000 students participated. A training tape is being made to help local judges who wish to present the program in their areas.

### **Ohio's Court Futures Commission**

The Ohio Courts Futures Commission, appointed by Chief Justice Thomas J. Moyer, has a Public Education and Awareness Task Force that is focusing on what goals the Ohio judicial system should achieve in twenty-five plus years with regard to public trust and confidence in the courts. To this end, the task force is developing long-term goals and interim strategies as to how the courts can communicate with and educate

the public as to why the courts do what they do.

The commission's Access and Quality Task Force is addressing how to achieve the ideal of having the highest quality judicial candidates and the highest quality system of justice. Many of the commission's considerations follow from the understanding that public confidence will be earned by an effective and high-quality court system.

Other programs in Ohio that focus on improving public trust and confidence in the courts include the efforts of the Ohio Center for Law-related Education (OCLRE). Such activities as the Youth for Justice Program, high-school Mock Trial Competition, and the "We the People" curriculum development project all contribute to educating Ohio youth to understand the democratic system. Ohio is a leader in law-related education at the kindergarten through high-school level, and its efforts are well funded.

### **Hamilton County's (Ohio) Juvenile Court**

The Hamilton County (Cincinnati, Ohio) Juvenile Court has been identified as *One Court that Works* in a book by the same title. It was the first juvenile court in the nation to formally assess, establish, and expand community-based service programs to benefit children at risk of abuse or neglect. Judicial leadership and court initiative have become part of the culture, due in large part to Judge David E. Grossmann.

Last year, the court's dependency division supervisor, Lisa Portune, recognized a need for recruitment of adoptive families in a wider area than just within the boundaries of Hamilton County. Agency leaders agreed but were focused on other priorities. With her vision of a multi-state, multicounty collaboration for adoption, Portune helped gain funding support from Wendy's International for an adoption fair for twenty-one counties in three states.

In addition, she and her husband created the Hamilton County adoption Web site. Hundreds of potential adoptive parents, most of whom have already completed successful

home studies, have visited the site during its first few months of operation. When interest is expressed for a particular child, the information is passed along to the department of social services. In addition, magistrates reviewing a child's progress toward permanent placement will order the agency to investigate prospective parents made known through the Web site.

Portune's long-term hopes are for the department of social services to take on management of the Web site. Meanwhile, the several children who have already found prospective adoptive homes through this project are more than enough motivation to keep Portune and the juvenile court committed to the adoption Web page.

### **Hawaii's Family Court**

The Family Court of Hawaii serves the city and county of Honolulu on the island of Oahu. In 1996, culminating several years of planning by Senior Judge Michael Town and Dr. Susan Chandler, director of the department of human services, the court and the department of human services' social services division started a collaborative effort in the Wai`anae community on the leeward coast of Oahu. This traditional Hawaiian community became the sight of a court diversion initiative, where natural leaders in the community were trained to use family conferencing as an intervention strategy in abuse and neglect cases.

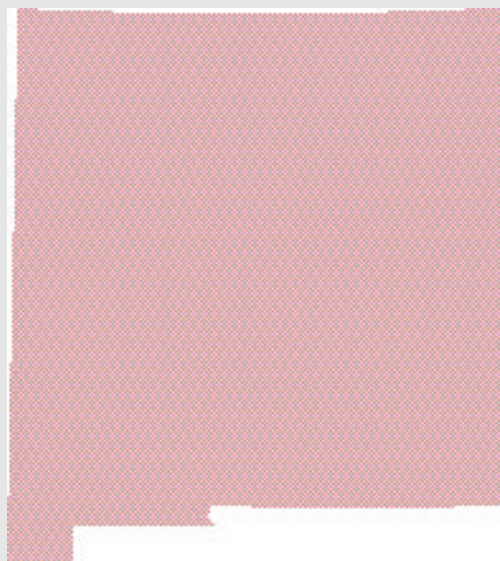
Accessible, family-friendly resources are available to meet the immediate needs of each family in a blending of preventive and treatment components of child abuse services. If the family voluntarily agrees to an *Ohana* conference, no child abuse or neglect petition is filed with the family court. Instead, the case is addressed within the community, under supervision of social services project coordinators. The *Ohana* conference is convened by a trained community leader, who creates a setting for family empowerment to create a plan for child safety. The conference model includes

## New Mexico Holds Hate Crimes Teleconference

**O**n March 15, the New Mexico Judicial Education Center received the New Mexico Anti-Defamation League's 1998 Education Award for their "Malicious Acts and Harassment" satellite conference broadcast on September 5, 1997. Funded by the State Justice Institute, the conference was broadcast to sites throughout New Mexico and three other western states. Due to the nature of the subject, and to ensure the safety of those attending the program, publicity was kept at a minimum by targeting only the participating state judiciaries.

The purpose of the teleconference was to specifically define and

clarify hate crimes as they might appear in the courts and address how they may affect the local communities. Included was an overview of federal and western state legislation outlawing hate crimes and discussion of the Supreme Court's decisions in *R.A.V. v St. Paul Minn.* and *Wisconsin v. Mitchell*. The teleconference also focused on the definitions of hate crimes, and the people who perpetrate them, as distinct from militia and constitutionalists, and the interconnections between them. ■



information sharing by the professionals who have been involved with the family, private family time to develop a plan for the safety and care of the child, and presentation of the plan, with give and take between family and professionals. Preliminary results have indicate successful, creative, and culturally relevant solutions for the best interests of children and families.

### Florida's Justice Teaching Institute

The second annual Justice Teaching Institute (JTI) held February 1-4, 1998, in Tallahassee brought together twenty-five Florida middle- and high-school teachers for an intensive program on law-related education at the Florida Supreme Court. This public education program began in 1997 as one facet of Chief Justice Gerald Kogan's access initiative, which is designed to improve public access to courts and make the courts system a proactive educator. The 1998 Justice Teaching Institute and future JTIs are also an integral part of the supreme court's public trust and confidence initiative. "Our participants span the state from Pensacola to Miami," said Justice Major B. Harding, chair of the Supreme Court Committee on Law-related Education, which oversees the JTI, "and our goal is to better educate Florida students about the legal sys-

tem by teaching their teachers about the law."

Teachers who competed in a statewide application process attended a series of classes, workshop, field trips, and demonstrations that led them on a "trail of justice" through every level of the state courts. After learning how the system worked, teachers participated in a mock trial court and in mock arguments about a case pending before the Florida Supreme Court. They then watched as attorneys argued the actual case.

Designed specifically for high school teachers, JTI offers an up-close examination of the judicial branch. Participants leave with greater confidence in their ability to generate lively discussion among both colleagues and students. Equipped with relevant current examples of the justice system in action, they are able to help students see the importance of the judicial process in immediate and practical ways. The twenty-five teachers will affect more than 5,000 students during an academic year.

As a result of this institute, participants will be able to identify alternative definitions of justice and define what justice means to them; communicate to students the core values upon which the American and Florida justice systems are based; teach others with confidence

about the nature, history, organization, function, and processes of the judiciary; develop techniques and strategies for teaching legal concepts in a way that is meaningful to students; utilize technology to teach law-related subjects; identify legal research techniques available to assist in preparing and presenting law-related lessons and activities; develop and compile reference materials and other resources for use in planning and presenting law-related lessons or activities; and identify and explain alternatives to the traditional adversary system of dispute resolution.

The evaluations from the first two years of the Justice Teaching Institute have been outstanding, and JTI planners and faculty have received letters not only from teachers, but also from some of their students thanking the court for its initiative. Judicial educators who are interested in learning more about the Justice Teaching Institute and who might be interested in attempting a similar project in their own states should feel free to contact Blane Teagle, Senior Attorney, Legal Affairs and Education Division, Office of the State Courts Administrator, at (850) 922-5110, or Susan O'Halloran, Career Staff Attorney to Justice Major B. Harding, the incoming chief justice of the Florida Supreme Court, at (850) 488-2361. ■

# NASJE Changes Location of Next Annual Conference

**N**ASJE's 1998 Annual Conference location has been changed to the Red Jacket Mountain View in North Conway, N.H. The dates of October 18-21, 1998, remain the same. The Red Jacket Mountain View promises wonderful views of the surrounding White Mountains and the breathtaking foliage, which should be at its peak. The Portland, Maine, airport will serve as the central fly-in location, and the resort will provide shuttle service on October 16 and 17 and again on October 20 and 21.

The resort offers two all-weather lighted tennis courts, heated indoor and outdoor pools, a 16-person whirlpool spa, saunas, game room, and trails for hiking, jogging, and cross-country skiing. Nearby are golfing, indoor tennis, fishing, canoeing, and North Conway's famous shopping opportunities.

The complete registration packet will be mailed to all NASJE members in midsummer. ■



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

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