

NASJENEWS – Summer 2006

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HIGHLIGHTS FROM ISSUES AND TRENDS: JUDICIAL BRANCH EDUCATION CHALLENGES AND OPPORTUNITIES

By Cathy White

Like other entities, judicial branch education is confronted with contemporary short-term challenges, long-range, pervasive issues, and opportunities for professional growth and development. Among the respondents who completed surveys for eventual publication in *Issues and Trends in Judicial Branch Education 2005*, the challenges or issues reported over the course of the next five years include: budget and finances; new and/or expanded subject matter; personnel; policy, governance and infrastructure; curriculum development; distance education applications, technology; miscellaneous issues; and needs assessment and evaluation.

The following table illustrates the reported frequency of those judicial branch education challenges and long-range issues. As expected, budget and finance concerns pervade most organizational respondents followed distantly by the emergence of new and/or expanded subject matter; personnel; policy, governance, and infrastructure; curriculum development; distance education applications; technology; miscellaneous issues; and needs assessment and evaluation.

Response Frequency of JBE Challenges and Long-Range Issues	
Main Challenge or Issue	Frequency
budget and finance	25
new and/or expanded subject matter	15
personnel	8
policy, governance, and infrastructure	7
curriculum development	7
distance education applications	6
technology	4
miscellaneous issues	5
needs assessment and evaluation	2

Complete descriptions of those individualized responses that comprised and/or contributed to the development of each main challenge or issue category can be found in *Issues and Trends in Judicial Branch Education 2005*.

Judicial Branch Education Opportunities

While challenges abound, many opportunities present themselves for judicial branch education in the next 5 years. These opportunities include technology advances and distance learning, interest in and demand for judicial branch education, relationships, collaborations and networking, funding, and miscellaneous.

The following table illustrates the reported frequency of those judicial branch education opportunities. Technology advances and distance learning, in addition to interest in and demand for judicial branch education, were reported with identical frequency by organizational respondents. Relationships, collaborations and networking, funding, and other responses comprised the remaining opportunities responses. See *Issues and*

Trends in Judicial Branch Education 2005 for a complete description of those individualized responses that comprised and/or contributed to the development of each main opportunity category.

Response Frequency of JBE Opportunities	
Main Opportunity	Frequency
technology advances and distance learning	15
interest in and demand for judicial branch education	15
relationships, collaborations, and networking	10
funding	9
miscellaneous	5

Several of the key judicial branch education challenges or opportunities reported here coincide with challenges or opportunities identified in the 1999 edition of *Issues and Trends in Judicial Branch Education*. The replicated challenges include funding, new and/or expanded subject matter, curriculum development, distance education applications, and technology while the replicated opportunities include technology advances and distance learning.

Please contact the JERITT Project at jeritt@ssc.msu.edu to secure your copy of *Issues and Trends in Judicial Branch Education 2005* today.

-----Original Message-----

From: NewsFromOJJDP@ncjrs.gov [mailto:NewsFromOJJDP@ncjrs.gov]
Sent: Monday, May 22, 2006 5:11 PM
To: SchopicP@sconet.state.oh.us
Subject: OJJDP News @ a Glance, March/April 2006

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has published "OJJDP News @ a Glance," March/April 2006. The bimonthly newsletter provides readers with news about OJJDP activities, publications, funding opportunities, and events.

This issue's lead article features the Office of Justice Programs' release of OJJDP's "Juvenile Offenders and Victims: 2006 National Report." The issue also reports on recent conferences, 2006 training opportunities, and Teen Dating Violence and Prevention Week.

Resources:

"OJJDP News @ a Glance," March/April 2006, is available online at http://www.ncjrs.gov/html/ojjdp/news_at_glance/213462/index.html

To subscribe to this online newsletter, visit the OJJDP Web site at <http://ojjdp.ncjrs.gov>

-----Original Message-----

From: NewsFromNIJ@ncjrs.gov [mailto:NewsFromNIJ@ncjrs.gov]
Sent: Wednesday, June 21, 2006 2:42 PM
To: SchopicP@sconet.state.oh.us@nij.gov
Subject: Drug Courts: The Second Decade

Do drug courts work? Research shows that it depends on many factors related to how the court operates.

NIJ combined findings from several process evaluations to produce *Drug Courts: The Second Decade*. The report contains six chapters that cover a range of issues, including the

role of the judge, the type of participants, treatment regimens, and cost-benefit concerns.

Drug Courts: The Second Decade, is available online at the National Institute of Justice Web site at: www.ojp.usdoj.gov/nij/pubs-sum/211081.htm

NIJ is the research, development, and evaluation agency of the U.S. Department of Justice and is dedicated to researching crime control and justice issues. For more information on NIJ, please visit <http://www.ojp.usdoj.gov/nij>.

TRANSITIONS

- **Marisol Barrios**, Distance Education Specialist, Administrative Office of the PA Courts, Mechanicsburg, Pennsylvania
 - **Richard Bustamante**, Senior Attorney, New Mexico Judicial Education Center, University of New Mexico, Albuquerque, New Mexico
 - **Meg Caldwell**, Academic Coordinator, Administrative Office of the Courts, Carson City, Nevada
 - **Myra Wall Downing**, Senior Educator, Administrative Office of the Courts, Olympia, Washington
 - **Bob Lowney**, Senior Manager, California Administrative Office of the Courts, San Francisco, California
 - **Melody L. Luetkehans**, Program Attorney, National Judicial College, Reno, Nevada
 - **Jessica E. McGinnis**, Education Specialist, Administrative Office of the Courts, Frankfort, Kentucky
 - **Susan E. Page**, Senior Attorney, Judicial Education Center, University of New Mexico, Albuquerque, New Mexico
 - **Danielle Pugh-Markie**, Program Manager, Judicial Education, National Council of Juvenile & Family Court Judges, Reno, Nevada
 - **Lynn E. Sudbeck**, Deputy State Court Administrator/Human Resources, South Dakota Unified Judicial System, Pierre, SD
 - **Lois Wright**, Program Attorney, Texas Municipal Courts Education Center, Austin, Texas
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FROM THE PRESIDENT

Dear NASJE Members:

This is my last column prior to our annual conference in Minneapolis beginning Sunday, August 13 through Wednesday, August 16, 2006. The Education Committee has designed an exciting program. New this year is a track dedicated to cultural competency issues that as educators, we must consider in our planning and programming. Some of the topics include ADA and Program Planning, Sexual Orientation Curricula for the Judicial Branch, and Screening and discussion of the film, "Crash."

In addition, members of the NASJE Technology Committee participated in the Leadership Institute in Judicial Education at the Center for the Study of Higher Education of The University of Memphis this past year. The Institute extends over a one and one-half year period, beginning with preparation of the team, attendance at the Basic Institute, and a follow-up On-Site Institute conducted by an Institute faculty member in each of the states or organizations participating. The Leadership Institute concludes with an Advanced Institute held to bring the participants back together to review the progress that the various teams have made and to pursue further the ideas presented at the initial conference. The Leadership Institute in Judicial Education is committed to a curriculum and learning activities that are solidly grounded educationally. Three theoretical bases are joined with the teachings of the legal profession to provide the necessary guidance for this planning. The ultimate goal of the Institute is more highly developed members of the judicial branch and an improved system of justice for the people of the individual states. The On-Site portion of the Leadership Institute will also be available as one of our educational offerings. Members of the Technology Committee will also demonstrate their Leadership Institute project, a web based Curriculum Outline Builder that they hope will be of use to all of our members.

Don't forget, it is not too late for you to support the conference. If you would like some idea of specific conference expenses that you could support in part or whole, in-kind or subsidized please contact Christy Tull <tullm@sconet.state.oh.us>, the chair of our Fund Raising Committee.

I want to direct your attention to several items you will see at the upcoming Annual Business Meeting in Minneapolis.

NASJE CORE COMPETENCIES

The NASJE Board will be seeking your approval to adopt Core Competencies for our profession. As stated in the introduction to the NASJE Core Competency document:

“NASJE will benefit greatly by having an articulated set of core competencies for its members. The core competencies will assist the NASJE Education Committee in its planning for NASJE's annual conferences. They will also be a valuable guide for courts and others who are developing or evaluating judicial branch education organizations, because they set forth a list of best practices that should be incorporated into every judicial branch education operation. Managers and other staff will benefit from descriptions of what they should know and be able to do as judicial branch education providers, and the core competencies should be utilized as a guide in developing orientation and continuing education for staff members.”

Below is a summary of each of the competencies. For more detailed information, please refer to the NASJE website.

- **Governance: Roles, Responsibilities, Structures, and Functions of Boards, and Advisory and Planning Committees**

Understanding, developing, and implementing an effective governance system is crucial to provide the necessary infrastructure to support a judicial branch education program. Whether it is a small operation or a complex organization, effective relationships and complementary roles among boards and committees provide a system that range from policy-making, to decision-making, to program implementation

- **Developing and Implementing Curriculum and Programs**

Effective judicial branch education is dependent on implementation of certain processes to ensure that the content delivered is the result of a carefully developed plan, both at the curriculum and program level. At the curriculum level, the content needs to be part of a system of education designed for a target audience, each component being dependent on and/or complementary to other components. At the program level, the content (see instructional design) needs to be supported by an effective learning environment and comprehensive logistical support.

- **Instructional Design**

Effective delivery of content is generally intended to change the behavior of participants, whether to incorporate new knowledge in decision-making, such as new laws, or to demonstrate a new skill, such as interviewing a prospective employee. Changing behavior is a complex undertaking and depends heavily on effective instructional design. An understanding of instructional design enables judicial branch educators to assure that the content and the way it was delivered will positively impact on participants.

- **Faculty Development**

Judicial branch education is primarily based on using judicial branch personnel as faculty, most of whom have little or no expertise in serving as faculty for their peers. A faculty development program for these individuals includes an array of content. Effective judicial branch educators should possess the knowledge, skills and abilities needed to model effective performance as faculty – and thus be able to effectively develop others for faculty roles. Judicial branch educators can effectively develop potential faculty through offering courses for groups of people, and/or through providing one-to-one consultation or coaching/mentoring.

- **Selecting and Managing Instructional Delivery Mechanisms, Including Distance Education**

Effective judicial branch education is dependent on carefully developed content that reaches learners in a timely manner through appropriate delivery mechanisms. Target audiences in most states include executive leadership, judges, managers and supervisors, clerks, and other court staff. Education content for each of these target audiences varies in its applicability to different forms of delivery. In addition, individuals in each of these target audiences have preferences for an education delivery type that is most effective for them. The judicial branch educator's responsibility in selecting and managing instructional delivery mechanisms includes assuring that a variety of mechanisms are used, assuring that those mechanisms are appropriate for the learner and the content, and assuring maximization of the effectiveness of all delivery mechanisms.

- **Managing Logistical Arrangements Needed for Instructional Delivery Mechanisms**

The effectiveness of any instructional delivery mechanism is dependent on appropriate use of the mechanism and on appropriate logistical support. Logistical support for any of a variety of delivery mechanisms involves a number of variables that are unique to the mechanism and may be unique to the content of the course being delivered. While logistical support may be provided directly by the judicial branch education department, by a vendor, or by a selected site, the responsibility for management of logistical support rests with the judicial branch educator.

- **Building and Maintaining Support for Judicial Branch Education Budgets and Resources**

As an integral part of assuring the effective and efficient administration of justice and continued public trust and confidence, judicial branch education needs to obtain adequate resources to meet the educational needs of judges and court personnel. Judicial branch educators must understand the budget process for their organization and how to construct and defend their budgets. They must know how to forecast revenue and expenditure levels and tie both to the output and outcome of their programs and products. Judicial branch educators must champion education as an investment in ensuring equal access to justice and timely resolution of cases for businesses, individuals, and other branches of government.

- **Human Resource Management**

Judicial branch education is dedicated to education and training for judges and court personnel so that they actively and effectively contribute to the courts ability to meet their missions, mandates, and goals. Subsequently, the managers and staff of judicial branch education must be developed, encouraged, and managed so that they contribute their best.

- **Leadership, Visioning, Organizational Planning, and Building and Maintaining Support for Judicial Branch Education**

For judicial branch education to be recognized as integral and necessary to the efficient and effective administration of justice, it must have leaders who can inspire individuals inside and outside of the courts to believe in the transformative value of education and training for judges, court personnel, and the public. Judicial branch education leaders must have the ability to work with policy makers internal and external to the court, potential audience members, faculty members, and staff to develop a vision and plan for judicial branch education that realizes its transformative capabilities. It is desirable that judicial education offices have a senior level manager and that manager should be a member of the organization’s management “team,” thus, ensuring that education is aligned with the organization’s strategic plan or mission.

- **Needs Assessment**

Successful continuation of judicial branch education links education and opportunity to the job-related needs of judges and court employees, thus, ultimately improving their performance and that of the system. This connection between education and job relevance is best achieved through careful needs assessment.

- **Evaluation**

Education and training programs that keep pace with the needs of the learners and the organization are developed based on evaluation criteria that match the needs of the organization with the learning opportunity. Evaluating learning opportunities is a continuous process that has the potential, based on the kind of evaluation that is done, to provide summative, formative, outcome, and output evaluation information.

JERITT

As the previous NASJENews Quarterly stated “JERITT is still alive” and NASJE is better for it! JERITT along with the Michigan State University are working on ways to sustain and grow in these times of change. John Hudzik, JERITT Project Director Emeritus, the Vice President of Global Engagement and Strategic Projects for MSU, will present the latest update on JERITT. He will be seeking volunteers to participate in a focus group at the conference to gather input and ideas for JERITT’s future. In addition, he will be seeking a few NASJE members who want to more fully participate in helping to shape its future. JERITT has offered a unique resource to the judicial branch education community, a resource that has greatly enhanced the quality and direction of state and local programs around the country. I strongly urge you to consider participating in this worthwhile endeavor.

Finally, I want to thank you, our members, for trusting me to lead the Association this past year. I have been humbled and enriched by this experience. However, it could not have been done without an active and diligent Board. I want to thank the members of the NASJE Board for their support and dedication. I could not have survived this year without your time, knowledge, commitment, humor and occasional gentle prodding. My heartfelt gratitude goes out to William, John, Robin, Sherry, Linda, Kay, Christy, Diane and Mollie.

Thank you and see you in August!

FROM THE EDITOR

The past year has seen the NasjeNews Quarterly continue its evolution into a publication that really contributes to our profession. We have continued to add new areas of focus for articles and continue to invite new people to manage the sections of our issues. In addition, the format now has a short introduction to each article on the front page so that people can get some flavor of the article before clicking on the link to read it.

The newsletter would not have been possible this year without the hard work, great ideas, and commitment of all the people who wrote articles for us, as well as the following editorial board members and guest editors:

Editorial Board

Joey Binard, Steve Circeo, Jo Deyo, Kathleen Gross, Pam Lizardi, Martha Kilbourn, Barbara Sweet, Deborah Williamson, and Robin Wosje.

Guest Editors

Pam Casey, Maureen Conner, Denise Dancy, Ray Foster, Hon. David Gersten, Ellen Marshall, Kay Palmer, Kathleen Sikora, and Marguerite Stenquist.

I also want to acknowledge the offices, agencies, and sponsoring organizations that made it possible for these wonderful people to devote their efforts to educating us all. I especially want to thank the Supreme Court of Ohio and the director of the Ohio Judicial College, John Meeks, for the support and encouragement that has enabled me to act as chair of this committee.

Often, being a committee chair for any organization is a thankless task, and at times it is hard to comprehend why one would put oneself through it all. For me, getting to work with the people named above has been just as great a reward as being able to bring our membership a valuable publication on a regular basis.

Thank you all for this opportunity.

Respectfully submitted,

Philip Schopick
Editor
NasjeNews Quarterly

Skillful Design: Choosing Instructional Methods

Carol L. Weaver

Pick up any book on "how to teach" and you will see a laundry list of instructional methods – the techniques, activities, and strategies designed to provide the learner with an opportunity to interact with the content. Klatt (1999), for example, analyzes 47 instructional methods (pp. 185-240). You will often find the methods clustered in categories such as teacher-centered or learner-centered or whole-group, small group or individualized (Pregent, 2000). But even if I know I want to use small groups within my instruction, are some small group activities "better" than others? How do I choose what method to use, when, and with which participants?

Caveats about Choosing Instructional Methods

Before we examine some of the common criteria used to select instructional methods, it is important to note that the research (volumes of it) does not identify a single "best" instructional method or strategy. Most attempts to do so have concluded that teaching and learning are complex enterprises that are easily influenced by a wide array of variables. "Methods" are seldom implemented in a standardized way. For example, a riveting lecture by a skilled instructor may engage the audience on many levels. The same content, delivered by a different lecturer could have very different impact on the audience. A lecture with visuals is different than a lecture without visuals. So, as you look at the criteria that follow, know that these are guidelines and that there is no one "right" answer. The goal is to intentionally select instructional methods that provide rich learning opportunities for the participants.

A second reminder is also in order. Instructional methods are generally chosen after several other important instructional decisions have been made. Most planning processes recommend a sequence of events that creates a context for selecting the instructional methods (Caffarella 2002; Pregent 2000). Generally, the main purpose of the program is known and the target audience has been identified. The delivery mechanism or mode (face-to-face or distance, for example) is another major decision that is made before instructional methods are selected. Program length, site and setting are also generally determined in advance of methods. Two other critical decisions, program objectives and content, also generally precede selection of instructional methods. In some settings, assessment and evaluation strategies are already determined.

Note that Caffarella (2002), among others, suggests that program planning is not a linear process, but more of an iterative one. As we think about choosing instructional methods, for example, could decisions about program sequencing be re-considered if an instructional strategy is selected that requires two class sessions rather than one? Could a different facility be used to provide better access to instructional technology? If we really want to employ a particular instructional method, could prior decisions be re-visited to accommodate that method? Can we bounce our decisions back and forth to create the best possible learning opportunities? If not, we must make our instructional method decisions within the constraints of the existing program decisions.

Factors to Consider

A survey of the literature reveals multiple criteria to judge the relative appropriateness and value of an instructional method. Caffarella (2002) identifies ten considerations and Fink (2003) offers six situational factors that should be explored when selecting instructional methods and strategies. Klatt (1999) identifies multiple variables that may influence choice of methodology. Pregent (2000) identifies five criteria for selecting teaching methods. A seminal article by Brophy and Alleman (1991) also provides excellent guidance for choosing instructional methods. What do these experts suggest? Here is a distillation:

1. What are the goals associated with this learning event?

Goals are broad aims and intentions. We frequently identify goals that have no content-base, such as developing communication skills, building relationships among participants, or increasing participant capacity for self-directedness. Frequently goals are accomplished over time and across multiple events. We need to ask which methods of instruction in this learning event will contribute to goal attainment. For example, if we are teaching in a program for new judges that aims to help new judges develop partnerships with other new judges, have we selected methods that are consistent with that goal? Or, do our methods restrict interaction among participants?

2. What are the instructional objectives?

Objectives are the learning outcomes targeted by the instructional event. Two considerations are identified in the literature: domain and level. Is your instructional objective primarily cognitive, affective, or psychomotor? Is the aim a lower-level outcome (knowledge acquisition) or a higher-level outcome, such as application or evaluation? A lecture is an excellent way to acquire basic information, as is reading, watching a movie, or listening to a tape recording. These are not, however, the most powerful methods for teaching manipulative skills. A demonstration, followed by practice, would be more likely to accomplish the intended outcome. Higher-order learning is more likely to be stimulated by problem-based learning, debates, case studies, and reflection.

3. What is the content?

Caffarella (2002) and Fink (2003) indicate that the content should be analyzed in terms of degree of abstraction. Some instructional methods are particularly suited for presenting concrete or practical materials while others help learners grasp more abstract or theoretical concepts. Fink (2003) also suggests that determining whether the content is convergent or divergent in nature may assist in choosing instructional approaches. Is there one best answer or approach suggested by the content? Or, is diversity of perspective or multiple considerations of value? Content may also present issues in terms of participant response (Fink, 2003). Do participants feel that they already know the content and there is nothing new to learn? Do participants come with attitudes and beliefs that may interfere with open exploration of the content?

4. Who is the target audience?

What are the key learner characteristics that determine how they will engage in learning and respond to teaching? What prior experiences do they bring to the classroom? What do they already know? What do they believe? What are their preferences for learning? How tolerant are they of new learning activities? How confident are they in this learning situation? What is their motivation for attending this particular educational activity? What is at stake for them as participants?

While it is often difficult to know the answers to these questions about individuals in the group, we can often assess the characteristics of a targeted audience. We obviously cannot meet the needs of each participant, but we can employ a variety of methods that will be consistent with the needs of a broad spectrum of participants.

If we choose to use instructional methods that might be less familiar to the target audience, we may need to provide additional support for participation. We may want to blend new methods with familiar ones, providing a gradual introduction. We may want to ask participants for feedback about the new methods, so that we can fine-tune our use.

It is important to note that it is acceptable and sometimes even desirable to provide new challenges for participants. While we often focus challenging content, instructional methods may also provide a challenge. Challenges can be stimulating, invigorating and create energy in a learning environment. If the challenges are too great, however, they may intimidate the participants. Finding the balance between challenge and support is a critical instructional skill.

5. What are the capabilities and beliefs of the instructor?

Some instructional methods, to be successful, require specific instructional skills. The instructor(s) must be capable of fully implementing the chosen instructional methods. If the Socratic method is chosen, for example, a particular set of skills is required for that method to be fully employed. The instructor must be able to use instructional technology, manage a debate, or structure small group instruction if those strategies are to be successful. It is also critical that the instructor believes that the strategy is important, valuable and appropriate. Without instructor buy-in, it will be difficult to create an environment that encourages participant engagement.

6. What is the context?

Context may include a number of factors that influence the "climate" for learning. The ambiance of the setting, the reason the educational event was created, the arena in which the skills and knowledge will be applied, or the relationship among individuals or groups in the audience can create atmospheric conditions that enhance the effectiveness of some instructional methods over others. The instructor or instructional designer who does not analyze the context of the instructional setting may be overlooking elements critical to the success of the educational program.

7. What are the logistics?

This category of considerations can very broad and is critical to help determine whether or not instructional methods are feasible. Logistical considerations may include amount of time available, number of participants, seating arrangement and flexibility of furniture, available equipment, preparation time, and cost of materials. If a particular instructional method cannot be fully utilized because of logistical constraints an alternative method may need to be considered. Participants disengage when told, "Well, we really can't do this ..." or "I know you cannot see this ..." or "We don't have time to fully engage in this exercise"

Making a Decision

Obviously, this list of considerations does not provide any definitive answer. It forces instructional designers and instructors to take many factors into consideration, but leaves open many possible alternatives. How do you prioritize among the alternatives? Again, drawing on the sources noted above, here are some suggestions:

1. If the instructional event has a single instructional outcome, Brophy and Alleman (1991) suggest the selected methods should be relevant to the domain of the outcome (cognitive, affective or psychomotor), be pitched at the right level of difficulty, be feasible in the setting, and be cost-effective in terms of time, trouble and use of resources.
2. If the instructional event has multiple instructional outcomes, Brophy and Alleman (1991) and Fink (2003) recommend choosing strategies that are:
 - capable of accomplishing multiple instructional objectives simultaneously;
 - authentic, holistic, and realistic;
 - focused on powerful ideas and principles, rather than isolated facts or pieces;
 - sequential (move participants from part-to-whole competency);
 - capable of stimulating higher order thinking;
 - engaging and energizing; and
 - capable of producing important outcomes and results.
3. If the instructional event includes a series of activities, the recommendations include choosing methods that provide, over time:
 - variety;
 - progressive difficulty;
 - opportunities for application to real-world problems; and
 - individual choices or alternatives.

Expanding Instructional Repertoire

Instructors should seek to expand their instructional repertoire to increase their capacity to use a variety of instructional methods. After reading about a strategy (some resources are suggested

below), instructors may wish to chat with and observe others who regularly employ the method to gain ideas about its effective use. Attending faculty development seminars where a variety of instructional methods are investigated is another way to gain insight into the value of new methods.

When you are ready to try out a new method, begin incrementally. Add a small instructional segment that uses one new method in conjunction with other more familiar methods. Be sure to fully implement the new method and provide adequate support for participant engagement (it may be new to them as well). Anticipate participant resistance to new methodology; be ready to articulate why you are employing this new approach. Solicit feedback from participants about their response to the method. You may also want to ask other educators to observe your teaching and give you feedback about the implementation of the selected method. Don't be discouraged by less-than-positive first attempts. Learning new instructional strategies is difficult and takes time. Each time it is used, there will be contextual issues that will make its application somewhat unique. Over time, with practice and feedback, your expertise will increase. The investment will be worth all the work when a participant leaves your instructional event and tells you that you have made a significant difference in their professional capacity. That is why we do what we do.

Carol Weaver is a former judicial educator and currently teaches adult education and training courses at Seattle University, specializing in instruction, course design and evaluation, and continuing professional education.

References

Brophy, J & Alleman, J. (May, 1991). Activities as instructional tools: A framework for analysis and evaluation. *Educational Researcher*, 20(4), 9-23.

Caffarella, R. S. (2002). *Planning programs for adult learners*. (2nd Ed.). San Francisco: Jossey-Bass.

Fink, L. D. (2003). *Creating significant learning experiences*. San Francisco: Jossey-Bass.

Klatt, B. (1999). *The ultimate training workshop handbook*. New York: McGraw Hill.

Pregent, R. (2000). *Charting your course: How to prepare to teach more effectively*. Madison, WI: Atwood Publishing.

Recommended Resources

Angelo, T. & Cross, K. P. (1993) *Classroom assessment techniques: A handbook for college teachers*. 2nd Ed. San Francisco: Jossey-Bass.

Bligh, D. (2000). *What's the use of lectures?* San Francisco: Jossey-Bass.

Brookfield, S. & Preskill, S. (1999). *Discussion as a way of teaching*. San Francisco: Jossey-Bass.

Davis, B. (1993). *Tools for teaching*. San Francisco: Jossey-Bass.

Honan, J. P. (2002). *Using cases in higher education: A guide for faculty and administration*. San Francisco: Jossey-Bass.

The Effects of Court-Based Intervention Programs on Juvenile Domestic and Family Violence¹

By Brenda K. Uekert, with Inger Sagatun-Edwards, Ann Crowe, Tracy Peters, and Fred Cheesman

Domestic violence (including dating violence) and family violence (violence between family members) are separate phenomena, characterized by variances in the nature of the violence and in the backgrounds of offenders and victims. Yet domestic and family violence share two common features. First, the research indicates that domestic and family violence among adolescents have long-lasting effects and are serious problems in the United States. Second, domestic and family violence committed by juveniles is largely invisible to the public eye.

How are courts responding to the problems of juvenile domestic and family violence? With rare exception, most juvenile courts in the nation do not screen for domestic/family violence; nor is it common to find programs geared to specifically address these problems. This article explores two specialized court-based intervention programs that address juvenile domestic and family violence. Findings are based on a federally funded study conducted by the National Center for State Courts, in collaboration with San Jose State University and the American Probation and Parole Association.² Following is an overview of the court-based programs, data on juvenile offenders of domestic violence and family violence, and concluding remarks based on statistical findings.

Overview of Court-Based Intervention Programs

In California, two court-based programs have led the effort to reform the traditional juvenile court response to domestic and family violence. In 1999, the Santa Clara County County Juvenile Domestic and Family Violence Court was established in San Jose, California—the first of its kind in the nation.³ In September 2001, a similar program began operating in San Francisco County’s Unified Family Court. The courts address both problems of juvenile domestic violence and family violence.

The Santa Clara County and San Francisco County juvenile domestic/family violence court programs share several features. First, the courts have a designated judge who oversees a specialized calendar that features periodic review hearings. Second, the probation departments have specialized units with intensive supervision of domestic and family violence offenders. Third, the programs are highly collaborative, with participation from local law enforcement, probation, courts, district attorneys, public defenders, victim assistance, and service providers. Fourth, community service providers play a critical role in the intervention programs.

¹ The full report will be posted on the National Center for State Courts’ website (www.ncsconline.org) when it becomes available.

² This project was supported by Grant No. 2003-IJ-CX-1031 awarded to the National Center for State Courts by the National Institute of Justice. Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

³ The program was funded by the Juvenile Delinquency Prevention Branch of California’s Office of Criminal Justice.

Despite their similarities, the Santa Clara County and San Francisco County court programs differ in their philosophy, with the Santa Clara County court program having a law enforcement protocol requiring all juvenile domestic and family violence cases to be delivered to the Juvenile Hall, and the court favoring declaring the minors a ward of the court with formal probation. The San Francisco County court program does not have a law enforcement protocol and favors ordering the minor to complete services within six months and dismissing the petition if services are completed, or placing the minor on probation for six months with petitions dismissed if the minor completes all court-ordered conditions in a six month period. Both counties include a number of intervention/treatment programs aimed at preventing further juvenile domestic and family violence.

Juvenile Offenders

For purposes of this study, the Santa Clara County and San Francisco County court programs were compared with a northern California county that did not offer a specialized court-based program. Researchers reviewed probation and court files to identify and document cases that involved domestic violence or family violence. Family violence cases were much more common than domestic violence cases. Furthermore, the offender population varied considerably between the two types of crime. While some of the characteristics varied somewhat by jurisdiction, the data shown in Exhibit 1 strongly suggest that domestic violence offenders (1) tended to be older, (2) were more likely to be male, (3) were more likely to have a previous delinquency record, and (4) were less likely to have a history of mental illness than family violence offenders.

Exhibit 1: Key Variables Distinguishing Domestic Violence and Family Violence Offenders

	Domestic Violence		Family Violence	
	n	Percentage	n	Percentage
Gender				
Male	83	90.2	133	62.7
Female	9	9.8	79	37.3
Age				
Mean Age	16.4		15.1	
Median Age	17.0		15.0	
Offender Has a Record of Prior Juvenile Delinquency				
Yes	55	59.8	97	46.0
Not Indicated	37	40.2	114	54.0
Offender Diagnosed with Mental Illness				
Yes	27	34.2	125	64.1
Not Indicated	52	65.8	70	35.9

Domestic Violence. The vast majority of domestic violence offenders were young men—90 percent of offenders were male and the average age was 16.4. Victims were overwhelmingly female (90 percent), with the average age of 16.8 at the time of the incident. Almost one of every four cases occurred while the victim was pregnant. The primary method of violence was bodily force—guns and knives were seldom used. There was remarkable consistency across sites in the following areas:

- Domestic violence offenders who entered the juvenile justice system were overwhelmingly male.
- Most offenders had a prior juvenile record—those with records had an average of 4.6 prior referrals.

- About one-third of the probation reports indicated that the offender had a mental illness.
- About one-third of the probation files reported a history of domestic violence among the parents.
- Probation files indicated larger problems within the family including criminal records for the parents and reports of substance abuse.

Family Violence. Family violence offenders were more likely to be male, but a sizeable proportion of offenders in our sample were female—37 percent. There were very few, if any, differences between male and female family violence offenders. Family violence offenders were young; the average age was 15. Victims were most likely to be female (73 percent). More than half of the victims were the mothers or stepmothers of the juvenile offenders. One of every four family violence incidents involved more than one victim. Despite some differences among counties, there were a number of striking similarities in the population of family violence offenders who had been processed in the juvenile justice system. In particular, the offenders shared the following backgrounds.

- Family violence offenders were young. The average age of the offenders was 15 years of age.
- The majority of offenders (63 percent) were male.
- Most offenders (64 percent) had been diagnosed with a mental illness.
- A significant proportion of offenders had a prior juvenile record (46 percent), although this varied by county.
- A high percentage of offenders’ parents had a history of domestic violence, a criminal justice record, or a substance abuse problem.

Program Intervention and Impacts

The study explored the hypothesis that participation in the specialized court program would have a deterrent effect—juveniles would be less likely to recidivate. Exhibit 2 shows the percentage of offenders that recidivated at each site by the indicated time, measured from the date of the incident that brought them to the attention of the court until the recidivistic event. The data show that Santa Clara County reported the lowest overall recidivism rate and that offenders from that site took longer to recidivate than offenders from any other site. Further, offenders from the comparison county recidivated at a faster rate than offenders from any other site.

Exhibit 2: Percent of Recidivism by the Amount of Time Since the Incident, by County

	Number of Months Since Incident				
	6	12	18	24	Overall
Comparison County	14.5	29.0	32.3	40.3	48.4
San Francisco County	12.5	20.0	25.0	30.0	47.5
Santa Clara County	8.4	20.7	25.7	27.4	35.8

To further examine recidivism, a multivariate logistic regression was performed to identify the factors that influence the probability of re-arrest. In this analysis, the county did not have a significant impact on predicting re-arrest. Rather, five variables significantly influenced the probability of recidivating:

- The victim’s gender,
- The number of prior referrals of the offender to juvenile court,
- Whether there was evidence of the offender having been diagnosed with a mental illness,

- Whether the offender was abused as a child and/or the parents have a history of domestic/family violence, and
- The number of probation violations.

In short, the explanatory model that emerged from the logistic regression of the probability of re-arrest reflected characteristics of the offender, and, in one instance, of the victim. Offenders with a female victim, prior referrals to juvenile court, having been abused as a child and/or having parents with a history of domestic/family violence, and accumulating probation violations while participating in the intervention program or probation have higher odds of recidivism than offenders without these characteristics. Offenders who were reported to have a mental illness were significantly less likely to recidivate than offenders with no reported mental illness. The latter result may reflect the fact that offenders with mental illness receive additional services that may impact their probability of recidivism. Also, the offender's gender and type of violence did not have a significant effect.

In conclusion, statistical analysis provided evidence of a possible intervention effect. Specifically, it appeared that the intervention as implemented in Santa Clara County delayed and lessened recidivism when compared to the rate of recidivism over time in both San Francisco County and the comparison county. Yet recidivism was highly impacted by individual factors that create significant challenges to the implementation of effective court-based intervention programs.

Implications for Judicial Education

This study has several implications for judicial education. First, domestic and family violence are very real problems that must be addressed at the juvenile level. Very often, these types of crimes remain "hidden" as they enter the court through a variety of criminal codes. Many of the cases currently heard in juvenile courts contain an element of domestic or family violence that is seldom acknowledged and treated. Judicial educators have the opportunity to educate the judiciary about the nature of the problem.

Second, a problem-solving approach that embraces consistency across juvenile justice agencies, partners with community-based service providers that have specialized intervention programs, and a strong victim services component has the potential of providing a positive impact in the lives of juvenile offenders and their victims.

Third, any specialized program must take into account the backgrounds of offenders, many of whom may present with a host of problems, such as mental illness, substance abuse, and histories of child abuse. Courts must learn more about the populations they serve and design multi-faceted interventions. Ultimately, the early redress of domestic and family violence shows promise in preventing further violence at the adult level.

About the Author

Brenda K. Uekert, Ph.D. is a Senior Research Associate at the National Center for State Courts. Dr. Uekert is the editor of the *Family Violence Forum* and chairs the *Elder Abuse and the Courts Working Group*.

Jo Deyo

A new judge walks into the courtroom for the first time, and all eyes are on the judge. Whether experienced in the courtroom or not, in donning the black robe a new judge assumes new roles: from arbiter to stage director to problem-solver. Fortunately for new judges, state judicial education organizations provide training and assistance as the new judge learns and adapts to the new roles.

This article describes one state's approach to education for new judges. Future articles will address other aspects of the transition to the bench.

In California, the need for educating new judges spurred the creation several decades ago of the Center for Judicial Education and Research (CJER), Karene Alvarado, supervising attorney in the Education Division, explained. Although CJER, now the Education Division of the Administrative Office of the Courts, expanded to serve all judges and court staff, the division still provides programming and resources specifically for new judges.

Since most judges in California are appointed at various times during the year, new judges first receive benchbooks to guide them in court. They also receive a list of other judicial education publications, along with instructions on how to access the CJER website and use those resources.

The first live program for California's new judges is New Judge Orientation (NJO). This program helps a new judge make the transition from being an attorney to being a judge. Court rules require new judges to attend this program within their first six months on the bench.

Part of the overall purpose of NJO, is to make the new judges aware of judicial ethics, the power of the robe, and the impact of being a judge on their personal and work lives.

New judges attending NJO learn that, as judicial officers, they are part of the judicial branch in California. They recognize the role a judge plays as a constitutional officer. As Alvarado noted, **[NJO helps impart to the new judge the sense that each judge is a part of something much greater than oneself]**, greater than an individual's own work or career.

NJO covers ethics, fairness, trials and evidence. To accommodate appointments throughout the year, NJO is offered once a month, and is limited to 12 participants.

The next live program that California offers new judges is the two-week Judicial College. Court rules require new judges to attend this program within their first two years on the bench. The College is offered once a year.

The primary goal of the College is to help new judges succeed in their assignment. The first week of the Judicial College offers courses such as trials and evidence, ethics, domestic violence awareness, alcohol and drugs, interpreter and jury issues.

The second week of the College offers electives in various substantive legal topics such as criminal, civil, family and probate law. New judges select their courses, with some advice from education staff and faculty, generally based on their assignments and their experience. The College provides useful checklists, scripts and similar practical tools as well as substantive knowledge.

But perhaps more important than the substantive information offered at the College is the opportunity for new judges to form lasting collegial relationships. **[The College allows the new judges to “build a true network of resources],** people they can call for advice,” Alvarado said.

Even the facility for the Judicial College fosters that networking. Often the College is conducted on a college campus, with judges staying in dorms. While this is a somewhat austere setting for adult education, Alvarado notes that it encourages socializing and “breeds a true collegial environment.”

A committee of judges designs the curriculum for the NJO. The committee plans fairly specific details of the content and delivery of the courses. Alvarado works with the committee to monitor and update the curriculum and course content. She also meets with the NJO faculty during the week of the program, taking any ideas for changes back to the committee.

The NJO faculty attends biannual training covering both the specific curriculum and effective teaching methods. Similarly, faculty members for the Judicial College attend faculty training specific to the College.

New judges step into a unique and demanding role, but as with any transition in life, time and good training can ease the way.

Josephine Deyo is a senior attorney with the Court Education Division of the Office of the State Courts Administrator in Florida, and is lead attorney for Phase I of the Florida Judicial College.

Inside the mind of the judge – part 4: The ideal jurist or the curmudgeon

By Judge David M. Gersten

In Part III of this series, I covered the intermediate judge, the judge who has been on the bench for at least two years, but less than ten years. I discussed how these judges are prime targets for judicial education and grouped them into three categories. The categories included: (1) I have the hang of the judge’s job; (2) I am or am not comfortable in my skin as a judge; and (3) I have been a judge for a decade, so what is next? Now, I will cover the long-term judge, who is either open-minded or closed-minded, and expand on how we can motivate these judges to achieve judicial greatness.

In general, I posit the following simplistic, yet salient observations: A good judge is one who follows the law, treats all with dignity and tries to accomplish justice whenever possible. A bad judge is one who follows his or her own dictates, cares little for anything but himself or herself and sees life in black and white. However, a great judge has all of the good judge’s traits but also possesses an “open mind.”

I. HOW TO BECOME A “GREAT” JUDGE: HAVING AN OPEN MIND

We have all come across good and bad judges. Great judges, however, are those who have open minds, and are the best asset to NASJE membership. An open mind is critical to the long-term judge’s viability as an excellent jurist. An open mind gives long-term judges the chance to learn from new experiences, instead of relying on old experiences. Ultimately, it is an open mind that NASJE membership seeks to nurture.

Backtracking briefly, we have the new judges, who, from day one to the end of their second year as a judge, are busy learning the ropes and trying to figure out how to perform the job competently. Next, we have the intermediate judges, who have been on the bench for at least two years but less than ten years. These intermediate judges are busy trying to become proficient at what they do in their division, while at the same time, trying to figure out their judicial future.

The judge with more than ten years of experience, however, can be the American legal system's best asset or worst nightmare. The asset that a long-term judge brings to the courtroom is wisdom (hopefully) and knowledge. A judge of long tenure has seen more than most people can imagine. And what he or she has seen is from a vantage point that few others can fathom. Society's best and worst have passed before this judge's eyes.

Little can shock this judge. After all, to sit in a position of judgment in thousands of cases, the thought of "There, but for the grace of God, go I" inevitably comes to the judge's mind. Some judges repress the thought because of its magnitude. Others feel that they must be reminded that they, too, are part of the chain of humanity, and, that they have a sacred responsibility to administer justice as they would want justice administered to them. Who says the "golden rule" is not alive and well in America? It surely is; but I digress.

Having reached the ten-year benchmark, many thoughts besiege the judge. Thoughts, fortunately, are translated into feelings that every long-time judge has felt at some point in his or her judicial career. Let us break these feelings into two categories: "professional" feelings and "personal" feelings. Of course, both categories have some degree of overlap.

II. How to conquer the feelings plaguing a judge's mind

A. Professional Feelings

On the professional level, these long-time judges feel that they may be getting stale in their jobs. They may wonder, "Am I going anywhere in my life?" Although they may have reached a pinnacle in their legal profession as judges, they often take their position for granted. They may forget the road they traveled to get to where they are today.

When a judge feels this way, he or she may be thinking about leaving the bench and returning to the practice of law. Perhaps such a judge is thinking about earning big money on the legal market. Yet at the same time, thoughts of inadequacy plague this judge. After all, where will he or she get clients? How will he or she be able to transition to lawyer status from the "large and in charge" status? Lastly, is he or she really as great as everyone says he or she is?

All of these questions boil down to one fear - - doubt. Doubt privately troubles the long-term judge. After all, we hope that when the judge actually stares in the mirror, deep down he or she knows that just because everyone laughs at the jokes, not all of his or her jokes are funny. And the long-time judge surely knows that when he or she receives compliments, many comments are probably just winsome flattery, and lack sincerity. These judges should realize that many people are just currying favor. It scares me when judges seem to believe what people tell them about their stellar qualities.

B. Personal Feelings

Aside from their professional feelings, personal feelings of self-worth and appreciation concern judges. On this more personal level, the inner-child judge asks, "Am I loved?" and "Am I

appreciated?” Thus, he or she goes through what every person does at different times (if not always) in life.

When writing of love, I do not mean romantic love. Rather, it is the love that resonates deep within a person’s well being and that tells him or her that others want to be around the judge because they feel connected, happy, and comfortable. After all, everyone wants to be loved, even judges.

Like everyone else, judges seek appreciation. A judge’s work is often difficult, weighty and, ultimately, done in solitude. There are always long hours, difficult decisions, people’s lives, assets, liberty, and children’s futures hanging in the balance. Protecting the very pillars of The Republic and safeguarding the Constitution of the United States of America is quite overwhelming. For the love of humanity, throw these judges a bone of appreciation!

Yes, they are the center of the judicial universe in their courtroom. Yes, they decide lots of cases. Yes, they call the shots and have control. But just like you, they want assurance that they are having a positive effect on other people’s lives. They want to feel that their hard work is noticed and, of course, appreciated.

I turn briefly to the long-time judge’s attitude toward the job. The long-time judge usually sets up a system that maximizes efficiency for handling cases. They must systematize because without a system, they would become endlessly bogged down in minutiae, and, ultimately, work would grind to a halt.

This is not to suggest that all judges are efficient. They are not. But, the legal system regards efficiency highly. There are many reasons, but it boils down to one simple principle: people’s lives are on hold until the case is resolved. If you want to test the concept of efficiency, then ask any court personnel assigned to Judge “Spanish Moss’s” division. They will tell you that it is unpleasant at best, and Dante’s *Inferno* at worst.

However, both efficient and inefficient judges present a large problem when they fall prey to becoming systematically closed-minded. It is the closed-minded judge, as suggested at the beginning of this article, that represents the worst of judges.

III. How to become the “worst” judge: having a closed mind

Some judges are born with a closed mind. Other judges develop one as time passes, and little can persuade them to listen to new ideas or make any changes. The closed-minded judge’s philosophy on judging sounds like this: “If it ain’t broke, don’t fix it.”

After all, closed-minded judges have the hang of the job of judging. Closed-minded judges are efficient at judging. Since they are efficient, they have no need to change or (gasp) seek further education. I find this attitude particularly true at the appellate level (admittedly not a particularly collegial comment); but of course, I am not referring to my colleagues. Also, there are some closed-minded judges at the trial level who have been on the bench a very long time and are set in their ways. Closed-minded judges are anathema to what NASJE stands for and are what I constantly combats.

I have been quoted in the The I’s 2006 catalogue as having said:

From my first experience as a student judge taking the General Jurisdiction course, I found we were all part of a team, a team working together to enhance both our skills as judges and our system of justice. It is rewarding to be part of The I's faculty. It is a way to contribute to the betterment of our system. After all, an educated judge is a better judge.

I still stand by that quote. Further, I suggest that there are several ways to combat closed-minded judges.

IV. How to combat closed-minded judges and foster open-minded judges

First, challenge the long-time judges to get involved. Contact them (I suggest by phone and by all means, use your title, whether deputy director, program attorney, etc.). Tell them that you would really appreciate (Ah, that lovely word), them sharing their knowledge with other judges. Let them know that they are integral to improving the judicial system to which they have devoted their lives.

I would find it hard to believe that any judge would turn you down. Of course, they might come up with excuses: no time or too many work-related or family-related commitments. So, always have a "plan B". Ask them if you can consult with them periodically, if only briefly.

Eventually, I believe that you will snare them. Once in the fold of the judicial educator club, most judges enjoy the work. **[It is critical, however, that you personally thank them for their dedication.]** (Avoid sending a cold certificate of appreciation in the mail.) Remember, the word "appreciate" goes a long way.

If you find that a judge is unapproachable, use a judicial education-friendly judge as your ambassador. It is hard for a judge to turn a colleague down. Again, once you get this judge to teach newer judges, I predict that most will enjoy being a teacher/mentor. Such a judge would be excellent at presenting "nuts and bolts" or "best practices" courses.

I must, of course, ask the unmentioned question: "How do we get the curmudgeon judges to welcome judicial education and expand their minds?" That, my NASJE colleagues, is the key question. It is key, because judicial education is the key to better judges, and better judges provide the key to justice. Justice is the ideal that we all serve.

Please email me: gerstend@flcourts.org with any suggestions or solutions that we can share with our membership. The next chapter in this "Inside the Mind of the Judge" series: "How Judges Decide Cases." Interested? Thanks for reading. FRATRES CONJURATI.



Judge David M. Gersten has served as an appellate court judge since 1989, having previously served at both tiers of the trial courts since 1980. Judge Gersten served as the Associate Dean for the Florida College of Advanced Judicial Studies and is currently a faculty member lecturing on: Alimony, Domestic Violence, UCCJEA, Enforcement of Non-U.S. Judgments, Collegiality, Bio-Ethics, Constitutional Law, Criminal Issues, and Civil Issues. He also serves as faculty for the National Judicial College, Reno, Nevada, and is an Adjunct Professor at St. Thomas University School of Law. Judge Gersten has published articles on a variety of legal topics. His publications include: Matthew Bender: "Florida Civil Practice Guide" (1994-present); Reviewer, Florida Forms of Jury Instruction (1990 to present); The Florida Bar Journal: "Evidentiary Trends in Domestic Violence" (1998); "The Doctrine of Lis Pendens: The Need For A Balance" (1995); Special Report: Legal Ethics in Florida, "A Consensus of Morality In Ethics - Toward A Comprehensive Code of Professional Ethics" (1991); "Manifest Necessity - A Trial Judge's Responsibility to Assure Justice"

(1989).

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Playfully,

Thiagi email: thiagi@thiagi.com

Acting with Impunity: A Three Part Series on Peacekeepers' Involvement in Trafficking in Women in Bosnia and Herzegovina -- Part III: Gender Perspective and Trafficking

By Pauline White

In this series, I analyze the role that United Nations peacekeeping personnel have played in trafficking in women in Bosnia and Herzegovina. <The first installment> of this series discussed the shift in the role of peacekeeping operations since the Cold War. These peace-building missions, sent into post-conflict areas to rebuild state institutions in the aftermath of conflict, bring foreign troops and international organizations into post-conflict countries, often leading to heightened demand for sexual services and potentially to trafficking in women. <The second installment> of this series analyzed some of the root causes of trafficking in women both in general and in the specific case of Bosnia and Herzegovina and looked at the role of peacekeeping personnel in trafficking in women. This third and final installment focuses on the need for a clearer gender perspective during the peace-building process. Efforts are ongoing and though some efforts are cause for optimism, many lack any real efficacy and provide little support or protection for women in post-conflict states.

During the drafting of the Dayton Peace Agreement, a great deal of attention was paid toward including human rights and fundamental freedoms, more so than in any other previous peace agreement.ⁱ Part of the peace agreement was a draft of what was to become the new constitution of Bosnia and Herzegovina. A separate Human Rights Agreement was called for under Article II of this new constitution and in Annex six.ⁱⁱ Under this Human Rights Agreement, the European Convention for Human Rights and its Protocols became directly applicable in Bosnia and Herzegovina. Under the Convention, Bosnia and Herzegovina was required to become a party to certain human rights agreements as well as to maintaining its adherence to human rights agreements it had already ratified. Included among these documents was the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Although ratification of this convention should have meant that post-conflict Bosnia and Herzegovina would work for the equality of women, "affirmative de jure changes to the domestic laws...may not necessarily result in positive de facto changes for Bosnian women."ⁱⁱⁱ Although paragraph 4 of Article II of the GFA explicitly states that non-discrimination should be included in the constitution, no specific reference to women's human rights is mentioned.^{iv}

The history of Bosnia and Herzegovina was characterized with constant reordering. Because of this fact, the people of the state did not have a set concept of what their relationship should be with the state, who was a citizen, what human rights should be protected or how new gender relations should be envisaged in the post-conflict state.^v The reconstruction had to address many difficult problems. According to the Chairman of the International Commission on the Balkans, Leo Tindemans, issues that required priority were

the relationship between nation and state; the conflicting expectations of ethnic and religious minorities; the development of nationalism, regionalism, confederalism and federalism; the viability of a multi-ethnic state; the acceptance of cultural autonomy; the requirements of modern democracy and civil society; the role of political parties; employment; the transition to market economies; the activities and role of the media; and constitutional problems.^{vi}

The importance of empowering women in relation to the gendered nature of the war was conspicuously absent. The drafting process provided an opportunity for members of the international community to integrate women's equality into post-conflict Bosnia and Herzegovina, benefiting not only the local women but women worldwide by setting an example of the need for women's empowerment within social structures.^{vii} Non-governmental actors interested in women's rights as well as women themselves were also absent during this process.^{viii} As a result, the newly drafted constitution did not focus on the specific interests of women, but instead chose to focus

on the interests of each of the three warring countries: Croatia, Serbia and Bosnia-Herzegovina. By doing so, the international community ignored the fact that the events of the war had not only targeted ethnicity, but also women as such.^{ix}

The logistics of peace negotiations may have also served to exclude women. By holding peace negotiations in locations distant from the area of conflict, such as those held in Dayton, Ohio, makes participation by local parties difficult.^x Local women are better able to express how they and other women have specifically been affected during conflict in order to integrate protections of their rights in the newly rebuilt state. In peace negotiations the “trickle down effect” is often assumed to benefit women. It is assumed that although deliberations may not specifically focus on women, the positive effects of changes caused by peace negotiations will eventually “trickle down” to each individual in the effected community, male or female. Additionally, although women may now hold some, generally lower level, positions in diplomatic offices, the military and the government, it is assumed that eventually they will “trickle up” to the top and have equal positions to men at peace negotiations. Both of these notions ignore gender discrimination inherent in all societies.^{xi}

According to Madeleine Rees, the former UN High Commissioner for Human Rights in Bosnia, trafficking into the region could have been predicted.^{xii} The gendered nature of the war reflected perceptions of women that certainly could not fade simply with the signing of the Dayton Peace Agreement. During the war, various violations of international law occurred including atrocities specifically aimed at women. Many women were systematically raped and subjected to slavery-like conditions in rape camps. These attacks on women’s bodies and women themselves may have been a facet of the gendered nature of ethno-nationalism.^{xiii} Focused on nationalist ideology and patriarchal power systems, ethno-nationalism placed importance on women’s reproductive roles pressuring women to reproduce in the name of their country. The media added to the construction of women’s role both as mother and as “sex object in the possession of the male national collectivity.”^{xiv} These images of women set the stage for the objectification of women during the war.

During war, women’s bodies are often used as a means of retaliating against the enemy. Raping women becomes a method of humiliating male family members and destroying the fabric of a family’s kinship system.^{xv} This violence against women during war is directly related to perceptions of women that exist during war as well as peace. Women often experience violence because they are women, because they lack equal rights and autonomy.^{xvi} The brutalization of women during the conflict in Bosnia and Herzegovina mirrors those in the trafficking industry during the “post-war moment”^{xvii} – brutalization of women, slavery-like conditions, and limited access to aid. This is in part because the violent actions against women during the war created a moral space in which violence could then be acted upon other women during more peaceful times.^{xviii} In addition, domestic violence often increases during and after conflict. This increase in violence may be due to the availability of weapons, repercussions of violence that male family members have experienced, or the lack of jobs, shelter, etc. that characterize the post-war moment.^{xix} There was no reason to assume that the militarized nature of the state would transform itself simply because a document was signed ending the war. According to Christine Chinkin, “post-conflict is a misnomer for women.”^{xx} The continued militarized presence in the form of peacekeepers only reinforced the military environment: “the more militarized a state, the more do men, both military and civilian, have the possibility of abusing women with impunity.”^{xxi} This militarized atmosphere directly contributes to what Cynthia Enloe refers to as the “re-entrench[ment] [of] the privileging of masculinity.”^{xxii} Women are therefore marginalized in the peace-building process as masculinity continues to be the “currency” of power. In addition, women’s issues, including the long term systematic violence against women, are not considered an important part of the rebuilding process, leading to the notion that trafficking and other forms of violence against women are natural occurrences.^{xxiii} Moreover, the “culture of impunity”^{xxiv} within peacekeeper contributing states as well as the U.N. itself reflects why women’s needs have been left out of the reconstruction process.^{xxv} Women are far from equally represented in positions of power within the United Nations. Women’s issues are generally considered to be peripheral to other interests such as security concerns, thus receiving less attention, power, and finances.^{xxvi}

Because of the international community's inability to reconcile the notion that women's voices are equally important to men's, women were largely left out of the peace process and their interests were not specifically addressed within the new constitution.

As mentioned above, women experience war in a different way than men. Women are often separated from their male kin during times of conflict. Left to hold their families and communities together, women try to maintain stability in times of chaos.^{xxvii} Although more men may be killed during periods of conflict, women often experience more violence, abduction and sexual abuse.^{xxviii} Although humanitarian aid helps all people within the community, men and women alike, women's specific needs in post-conflict situations have been largely ignored. These needs, which range from physical and psychological care and economic aid to aid in displacement, are less accessible to women than their male counterparts.^{xxix} The inclusion of more women in the peace-building process reinforces the U.N. principle of non-discrimination and tends to lead to reduced incidents of sexual harassment and abuse of local populations, such as trafficking. In addition, women peacekeepers may be more capable of developing good relations and trust with women in the local community and leads to women's increased participation in local programs including elections.^{xxx}

The need for women's participation in peace-building operations was addressed in 1995 at the United Nations Fourth World Conference on Women, well within a period that these ideas could have been further implemented in Bosnia and Herzegovina. Strategic objective E.1. of the Platform for Action developed from the Conference calls for an "increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation."^{xxxi} Potential actions desired are listed under article 142 and include:

tak[ing] action to promote equal participation of women and equal opportunities for women to participate in all forums and peace activities at all levels, particularly at the decision-making level, including in the United Nations Secretariat...integrat[ing] a gender perspective in the resolution of armed or other conflicts and foreign occupation.^{xxxii}

Although this and other references were made to women's roles in peacekeeping, the United Nations did not fully map out the necessary elements for a gender perspective in peacekeeping until 2000 with the Windhoek Declaration and Namibia Plan of Action.^{xxxiii}

The Windhoek Declaration states that although peacekeeping has evolved from its traditional form to its more modern multi-dimensional form, women have been denied their role in these new peace-building operations. Moreover, the gender dimension of the peace-building process has not been addressed to the extent necessary.^{xxxiv} The Namibia Plan of Action then lays out how a gendered perspective should be integrated into negotiations for ceasefires, leadership, recruitment, and training as well as other facets of peacekeeper missions.^{xxxv} For example, article three calls for "more determined efforts...to select and appoint female Special Representatives of the Secretary-General and senior field staff for peace support operations." This increased participation of women would be "in accordance with the Secretary-General's target of 50 percent women in managerial and decision-making positions."^{xxxvi} Women's increased participation in the peace-building operation in Bosnia and Herzegovina may have led to decreased participation in trafficking by male peacekeepers.

The United Nations is in charge of the overall coordination of peacekeeping operations and is therefore in the position to ensure that all persons have been adequately trained.^{xxxvii} Because the police component of a mission may be composed of individuals from up to forty different countries with different pre-deployment training and different perceptions about the need for gender sensitivity, the United Nations has the responsibility to make sure that there is training used to create "gender mainstreaming"^{xxxviii} within the ranks.^{xxxix} Within the Department of Peacekeeping Operations (DPKO), there is a unit whose duty it is to provide guidance, through

the form of training manuals and other tools, to Member countries so that peacekeepers can be trained before their arrival in mission.^{xl}

More recently the United Nations has begun to recognize the need for women's full participation in the peace-building process; unfortunately, this realization comes too late for many trafficked women in Bosnia and Herzegovina. In October of 2000, the United Nations passed Resolution 1325. Taking into account the Windhoek Declaration previously discussed in this paper, the document "urges Member States to ensure increased representation of women at all decision-making levels in national, regional, and international institutions and mechanisms for prevention, management, and resolution of conflict,"^{xli} thus recognizing women's important place in creating peace. The document then continues by addressing the need to adopt a gender perspective when negotiation and implementing peace agreements by including:

the special needs of women and girls during repatriation...reintegration and post-conflict reconstruction; measures that support local women's peace initiatives and indigenous processes for conflict resolution and that involve women in all of the implementation mechanisms of the peace agreements; measures that ensure the protection and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.^{xlii}

Although this document illustrated a decent first step in integrating a gender perspective into peacekeeping operations, further work was necessary. In October of 2002, the Report of the Secretary-General on Women, Peace and Security was published in response to an invitation for such a document in paragraph sixteen of resolution 1325. In paragraph five, the Secretary-General recognized that women are not equal to men "in any society." Moreover, cultures of discrimination are only exacerbated by conflict and will not be curtailed with the end of warfare unless women are more fully integrated into decision-making bodies.^{xliii} The document also recognized that men and women experience conflict differently. Women are more vulnerable to sexual violence and exploitation including rape, sexual slavery, forced prostitution and trafficking.^{xliiv} As mentioned earlier in this paper, unless these issues are addressed during reconstruction of the state, these policies will be considered natural and violence against women will be perpetuated after the end of formal warfare. If women are integrated into formal and informal peace processes, and attention is placed on including gender specific issues during these processes, then it is hoped that there will be greater equality between men and women within the social, economic, and political constructs of the reconstructed state leading to decreased violence specifically perpetuated against women, such as trafficking.^{xliv}

In a January of 2004 report of the Secretary General on the Implementation of the Recommendations of the Special Committee on Peacekeeping Operations, importance was again placed on integrating women's input into peace-building as well as a gender perspective in peacekeeping missions. According to paragraph seventy-three, the DPKO was "strengthening its ability to implement the recommendations contained in the report of the Secretary-General on women, peace and security." In order to accomplish this task, the DPKO was beginning to include "gender expertise" in the planning stages of missions, in developing of gender-sensitive reporting guidelines, and in the operation stage of new missions.^{xlvi} Furthermore, the DPKO created field manuals that deal with gender mainstreaming.

Although we continue to move forward toward a time when women will be fully integrated in the peace-building process, little has changed since 2004. According to Rachel Mayanja, Assistant Secretary-General, Special Advisor on Gender Issues and Advancement of Women, as of December 2005, women account for approximately 1% of peacekeeping personnel, a decline from 3% in 2000.^{xlvii} This trend is alarming, as it not only shows that women have a very small role in establishing protocol for peacekeeping, but the role is actually shrinking. As illustrated above, without women's involvement in the peace process, peace and security, particularly for women, in post-war areas is unlikely.

The United Nations has also taken steps to try and address the involvement of United Nations personnel, including civilian police, in various forms of sexual exploitation, including trafficking.^{xlvi} Resolution 1325, mentioned above, also addressed the importance of improved training for military and civilian peacekeeping personnel. Paragraph six of the resolution

Requests the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, *invites* Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment, and *further requests* the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training.^{xlix}

Although this request calls for training in women's rights, it does not state any clear repercussions that would occur for personnel who violate these rights. Also, little emphasis is placed on the gendered structures that cause women's vulnerability in post-conflict situations. Instead, emphasis is placed on teaching safe sex in an attempt to curtail sexual exploitation. By discouraging sexual relations with local women because of risks to male personnel instead of focusing on the effects that sexual relations have on local female populations, this method attacks only the symptoms and not the root of the problem.

The 2002 Report of the Secretary-General on Women, Peace and Security further attempted to address the issue of peacekeeper conduct. In paragraph forty-five of the document, it is recognized that prostitution, and with it trafficking, increased with the presence of international peacekeeping operations and that further action needs to be taken to make sure that these situations are prevented. In addition, the paragraph states that all missions "have clear instructions to thoroughly investigate any allegations of sexual exploitation or assault by any peacekeeping personnel and to ensure that offenders are duly disciplined."¹ Unfortunately, as was seen in Bosnia, though zero tolerance is preached, it does not mean that violations are reported or result in disciplinary action. In addition, "duly disciplined" is not defined. Past disciplinary action could be equated to a slap on the wrist, generally ranging from sending violators home or perhaps losing their employment. No criminal charges were brought against violators in the case of Bosnia and Herzegovina.

In October of 2003, the Secretary-General issued a bulletin entitled "Special Measures for Protection from Sexual Exploitation and Sexual Abuse." Under Section 4.3 of this document, the Secretary-General called for the appointment of a high level official in each mission to receive reports of sexual exploitation and abuse. These reports, though confidential, can be used as support where disciplinary action may be necessary. Furthermore, under Section 5, cases may be referred to national authorities for criminal prosecution.^{li} These consequences, however, only apply to United Nations staff. Non-United Nations entities or individuals are addressed under Section 6. In a meager attempt to curtail sexual exploitation and abuse, including participation in trafficking, non-United Nations individuals must sign a document stating that they understand the code of conduct outlined in the Bulletin.^{lii} If these individuals fail to prevent exploitation, do not investigate violations, or fail to discipline abusers, the only consequence they face is that their cooperation agreement with the U.N. will be terminated.^{liii}

In January of 2004, the Secretary-General again addressed peacekeeper conduct and behavior in his report on The Implementation of the Recommendations of the Special Committee on Peacekeeping Operations. According to this report, emphasis has been placed on pre-deployment and in-mission training as well as improved monitoring of peacekeeper conduct.^{liv} Responding to the October of 2003 Secretary-General's Bulletin addressed above, the Department of Peacekeeping Operations has also been working to ensure that each peacekeeping mission has developed a strategy to prevent and combat sexual exploitation. In addition, a web-based training module relating to sexual exploitation, harassment and abuse was developed and is accessible to all field personnel.^{lv}

Unfortunately, these steps have not halted peacekeeper involvement in human rights violations, including trafficking against women. Although “221 peacekeepers have been investigated, 10 civilians have been fired, and more than 88 uniformed personnel ha[ve] been repatriated” according to a February 2006 United Nations Security Council brief, abuses continue to occur across the globe.^{lvi} According to United Nations Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, one reason why abuses continue to occur is that not all troops or staff in the mission countries support all aspects of the “zero tolerance” policy.^{lvii} Without all players in full support of these policies, no true change will ever occur and the culture of indifference which has existed “within ourselves, in our own countries and in the mission areas”^{lviii} will continue to flourish.

Since the end of the Cold War, the U.N. has increasingly been involved in peace-building. This new type of peacekeeping works at creating peace, not by overseeing ceasefires, but by trying to create foundations of peace by building new institutions in which conflict will not easily reemerge. Individuals from various nations are pulled together to participate in peace-building, some represent national police forces while others are employees of privatized military firms. These individuals are brought to post-conflict nations in order to aid in their recovery, yet many individuals have been implicated in various types of human rights abuses, including trafficking in women. These violations are rarely prosecuted, creating an environment of impunity. Members of the U.N. mission in Bosnia and Herzegovina and the stabilization forces were shielded from prosecution within Bosnia and Herzegovina by immunity outlined in the Dayton Peace Agreement. It was assumed that these individuals would then face criminal charges in their native countries. This did not occur. This systematic failure both by the U.N. and individual nations to prosecute human rights violations weakens the reputation of the U.N. for fighting human rights abuses and reinforces women’s inferior station in society. These human rights abuses were largely targeted at women and mirrored abuse that women had previously suffered during armed conflict. Although the Dayton Peace Agreement was an opportunity for the international community to speak out about the need to empower women in order to curtail future abuses, this did not occur. Instead, negotiations focused on the ethnic facets of the conflict, ignoring the notion that violence was also engendered.

Although gender perspectives are being integrated into peacekeeper training and the U.N. has called numerous times for increased participation of women in peacekeeping, improvement has been slow. Problems of sexual abuse by peacekeepers have continued to flourish in other nations around the globe. Clearly, the instance of Bosnia and Herzegovina was not an isolated incident. In order to create true change, women must be more fully integrated into all aspects of the peacekeeping process and the implications of sexual exploitation on local populations must be firmly implanted in the minds of peace-building personnel. It is only with continued action that we can avoid repeating the mistakes of Bosnia and Herzegovina and can curtail trafficking before it can begin.



Pauline White received her master’s degree in social science with a concentration in human rights from the University of Chicago and her bachelor’s degree in international relations from Wellesley College. She became interested in the international trafficking of women while working as an AmeriCorps VISTA volunteer in Salinas, California. The subject then became the focus of her graduate studies at The University of Chicago. Pauline is currently the grants manager at The Women’s Fund of Central Ohio, a foundation working to create social change for women and girls. She can be reached via email at pauline@alum.wellesley.edu.

ⁱ Chinkin in Michael O’Flaherty and Gregory Gisvold, eds, *Post-War Protection of Human Rights in Bosnia and Herzegovina* (The Hague: Martinus Nijhoff Publishers, 1998) 172.

ⁱⁱ Shelley Inglis, “Re/Constructing Right(s): The Dayton Peace Agreement, International Civil Society Development, and Gender in Postwar Bosnia-Herzegovina,” *Columbia Human Rights Law Review* 30(1998): 81.

ⁱⁱⁱ Inglis, 103.

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- ^{iv} Christine Chinkin and Kate Paradine, “Vision and Reality: Democracy and Citizenship of Women in the Dayton Peace Accords,” *Yale Journal of International Law* 103(2001) 107; Pajic in O’Flaherty, 6.
- ^v Chinkin and Paradine, 106.
- ^{vi} Chinkin and Paradine, 106 citing Leo Tindemans, Forward to International Commission on the Balkans, Unfinished peace: Report of the International Commission on the Balkans, vii, xix(1996).
- ^{vii} Chinkin and Paradine, 104.
- ^{viii} Inglis, 77.
- ^{ix} Chinkin in O’Flaherty, 176.
- ^x Chinkin, 872.
- ^{xi} Stiehm in Mary K. Meyer and Elisabeth Prügl, *Gender Politics in Global Governance* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 1999) 55.
- ^{xii} Rees in Cockburn 65-66; Chinkin 882.
- ^{xiii} Inglis, 66.
- ^{xiv} Inglis, 71.
- ^{xv} Rehn and Sirleaf, 10; Long, 12.
- ^{xvi} Rehn and Sirleaf, 1.
- ^{xvii} Many women, including Dubravka Zarkov and Cynthia Cockburn, question whether it is even helpful to separate violence during armed conflict from that during the ‘post-conflict’ period as structural violence and oppression of women pervade the social, economic and political makeup of many war torn countries. Cockburn, 10.
- ^{xviii} Long 12; Chinkin, 876.
- ^{xix} Rehn and Sirleaf, 14.
- ^{xx} Chinkin, 876.
- ^{xxi} Rees in Cockburn, 65-66.
- ^{xxii} Enloe in Cockburn, 22.
- ^{xxiii} Enloe in Cockburn 26-27; Rehn and Sirleaf, 11.
- ^{xxiv} According to U.N. Special Rapporteur Louis Joinet, impunity is “the impossibility, de jure or de facto, of bringing the perpetrators of human rights violations to account-whether in criminal civil, administrative or disciplinary proceedings-since they are not subject to any inquiry that might lead to their being accused, arrested, tried, and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims.” Murray citing The Administration of Justice and the Human Rights of Detainees, Question of the Impunity of Perpetrators of Human Rights Violations: Revises Final Report Prepared by Mr. Joinet Pursuant to Sub-Commission Decision 1996/119. U.N. ESCOR, Commission on Human Rights, Sub-Commission on Prevention of Discrimination & Prevention of Minorities, 49th Session, Annex II, at 17, U.N. Doc E/CN.4/Sub.2/1997/20/Rev.1(1997). Murray, n12.
- ^{xxv} Murray, 477.
- ^{xxvi} Inglis, 115.
- ^{xxvii} Rehn and Sirleaf, vi.
- ^{xxviii} Rehn and Sirleaf, 1.
- ^{xxix} Rehn and Sirleaf, 2; Chinkin, 873.
- ^{xxx} Chinkin, 877; Stiehm in Meyer and Prügl, 41, 56.
- ^{xxxi} United Nations, *Fourth World Conference on Women: Beijing Declaration and Platform for Action*, 35 I.L.M. 401(1996): p. 435 E.1.
- ^{xxxii} Beijing Platform for Action, p. 435 art. 142
- ^{xxxiii} Rehn and Sirleaf, 63.
- ^{xxxiv} United Nations, *Windhoek Declaration and Namibia Plan of Action*, ONLINE (Relief Web) Available: <http://www.reliefweb.int/library/GHARKit/Docfiles/WindhoekDecl.doc> [May 16, 2004] p. 2.
- ^{xxxv} Windhoek Dec., Art. 1, 3, 5, 6.
- ^{xxxvi} Windhoek Dec., Art. 3.
- ^{xxxvii} Murray, 521.
- ^{xxxviii} Gender mainstreaming is “the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels”(Rehn and Sirleaf, par 63 quoting Lessons Learned Unit, U.N. Department of Peacekeeping Operations, Mainstreaming a Gender Perspective in Multidimensional Peace Operations iii(2000)).
- ^{xxxix} Brahimi Report, par 121.
- ^{xl} Murray, 521.
- ^{xli} United Nations, *Resolution 1325(2000)*, U.N. Doc S/RES/1325(2000) Art 1.
- ^{xlii} Res. 1325, Art 8.
- ^{xliii} United Nations. *Report of the Secretary-General on Women, Peace and Security*. U.N. SCOR, 57th Session, U.N. Doc. S/2002/1154(2002) par 5.
- ^{xliv} *Report of Secretary-General on Women, Peace and Security*, par 7.

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- ^{xlv} *Report of Secretary-General on Women, Peace and Security*, par 26 and par 54.
- ^{xlvi} United Nations, *Report of the Secretary-General on Implementation of the recommendations of the Special Committee on Peacekeeping Operations*, ONLINE (January 26, 2004, United Nations) Available: <http://www.un.org/Depts/dpko/dpko/ctte/CTTEE.htm> [May 16, 2004] par 73.
- ^{xlvii} Ms. Rachel Mayanja, Assistant Secretary-General, Special Advisor on Gender Issues and Advancement of Women (2006). Speech delivered at the Policy Dialogue with Troop and Police Contributing Countries to Review Strategies for Enhancing Gender Balance Among Uniformed Personnel in Peacekeeping Missions, New York, 28 March 2006. Retrieved 30 May 2006 from the *United Nations Office of the Special Advisor on Gender Issues and the Advancement of Women website* <http://www.un.org/womenwatch/osagi/>.
- ^{xlviii} Sexual Exploitation is defined as “any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term ‘sexual abuse’ means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal coercive conditions.” United Nations, *Secretary-General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, U.N. Doc ST/SGB/2003/13(2003).
- ^{xlix} Resolution 1325, Art 6.
- ¹ *Report of the Secretary-General on Women, Peace and Security*, par 45.
- ⁱⁱ *Secretary-General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, Sec 5.
- ⁱⁱⁱ Under Section 3, specific standards are outlined that mirror United Nations Staff Regulation and Rules. Some specific standards include the notion that participation in sexual exploitation or abuse are grounds for disciplinary action, including dismissal; any type of sexual activity with a minor, whether consensual or not, is prohibited; exchanging assistance for sexual services is prohibited; sexual relations with United Nations staff and local individuals is not supported; any incidences of sexual exploitation or abuse must be reported, whether committed by United Nations staff or others; and United Nations staff must work to create an environment where sexual exploitation and abuse do not occur. *Secretary-General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, Section 3.
- ^{liii} *Secretary-General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, Section 6.
- ^{liv} *Report of the Secretary-General on Implementation of the recommendations of the Special Committee on Peacekeeping Operations*, par 68.
- ^{lv} *Report of the Secretary-General on Implementation of the recommendations of the Special Committee on Peacekeeping Operations*, par 70.
- ^{lvi} United Nations. *Problem of Sexual Abuse by Peacekeepers Now Openly Recognized, Broad Strategy in Place to Address It, Security Council Told*. U.N. Security Council, 5379th Meeting, U.N. Doc SC/8649 (2006) par 9.
- ^{lvii} *Problems of Sexual Abuse by Peacekeepers Now Openly Recognized*, par 3.
- ^{lviii} Advisor to the Secretary-General on Sexual Exploitation and Abuse in United Nations Peacekeeping Operations, Prince Zeid Ra’ad Zeid Al-Husseini quoted in *Problem of Sexual Abuse by Peacekeepers Now Openly Recognized*. U.N. doc SC/8649.
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The Challenge of Educating the Court on Intimate Partner Violence: Research as a Tool for Judicial Educators

by Carol E. Jordan

Article only available via the web version of the newsletter.

Workplace writing for the dot-com reader

By Marguerite Stenquist



Workplace Writing for the Dot-Com Reader

Ready...Aim...Write...Revise

Millions of people have decided they cannot write: a self-fulfilling prophecy that strangles confidence. Blame it on bad genes or the school system, this attitude has led to fear and anxiety among workers in a workplace that boasts of computers on every desk. When fear takes over, thinking shuts down, and that's when the problem begins.

Four Tips until "Think Check" is Available

So far, no one has introduced a computer with "think check" as an option. Until someone does, you're on your own. The following tips will help you write documents that are focused and organized.

1. Accommodate the reader.

Try this exercise: write a short grocery list and give it to a friend to do the shopping for you. Picture your friend standing in the produce section reading "lettuce" on your list. Would this be a head of lettuce or a pre-washed package? Are we talking romaine, iceberg, escarole, or field greens? Unclear writing leads to misunderstanding, wrong results, no action, or frustration. Think about your own writing habits. Do you have a tendency to write to yourself instead of to the reader? If you do, print the following statement in big letters and paste it on your computer: The Reader Rules! Part of planning a document includes tailoring your message for a specific reader or group of readers. The following questions will help you get started.

- How much does your reader already know? (Be complete but concise.)
- How important is the message to your reader? (Open with a point that is relevant and meaningful to this specific person or group.)
- What do you know about your reader's mood? (Use soothing words for an angry reader, empathetic words for a distraught reader, etc.)
- What is your relationship to the reader? (Be as formal as is appropriate.)

2. Lead with the bottom line.

Talented wordsmiths, advertisers who have tested millions of messages on a reading-resistant public, know that today's readers want the bottom line on top, and they read what jumps out at them. Browse through your own mail to see these truths in action.

Journalists, too, structure an article with the key point clearly stated at the top. Scan the front page of your newspaper tomorrow. Just below the headline of most articles, in italics or bold face type, is a clear

statement of the key point or major theme. This is the bottom line. Take a look at a recent document you've

The Twin Cities of Minneapolis and St. Paul are known for their family-friendly entertainment and there is plenty to do this summer during the 2006 Annual Conference.

Compiled by Lee Ann Barnhardt (ND)

The Minnesota Twins

The Twins are in town during the conference with three home games. They host Toronto on Saturday night and Sunday afternoon and Cleveland on Tuesday and Wednesday nights. The games are played at the Metrodome, just 7 blocks from the conference hotel. Ticket prices range from \$6 to \$99 . For more information or to purchase tickets on-line go to www.twinsbaseball.com.

Minnesota Zoo

For a walk on the wild side visit the Minnesota Zoo in Apple Valley, just south of Mall of America. The zoo is open from 9 a.m. to 6 p.m. daily. Admission ranges from \$7 to \$12 with kids 2 and under free. Parking is \$5. Special features include Summer on the Savanna exhibit, a butterfly garden and Imax theater. For more information and a discount coupon, check out the zoo's website at www.mnzoo.org.

Mall of America

Shopping, dining, and entertainment are all available at Mall of America in Bloomington. Attractions for kids and families include The Park at MOA, an indoor amusement park, Dinosaur Walk Museum, Lego Land and Underwater Adventure Aquarium. For more information on admission prices and hours, got to www.mallofamerica.com.

Discount coupons are available at www.dinowalk.com and www.underwaterworld.com.

Valleyfair Amusement Park

From flips and dips to a 200-foot drop, there's excitement galore on the six thrilling roller coasters, including Steel Venom, an impulse coaster with a twist! Don't miss Power Tower - 275 feet of extreme scream! For those looking for relaxed thrills, Valleyfair offers a myriad of magical delights. And of course, little ones are treated especially well at the TotSpots throughout the park. Valleyfair is located 25 minutes southwest of the Twin Cities on County Road 101, just east of Shakopee, Minnesota. Regular admission is \$33.95. After 5 p.m., admission is \$17. The park opens at 10 a.m. daily. For more information, check out www.valleyfair.com.

Como Park

Operated by the St. Paul Park District, Como Park offers something for all ages. The main attraction is the Como Park Zoo. Admission to the zoo is free, but donations are encouraged. A public pool is located in the park. Admission is \$3. Nearby attractions include Café Jian's Carousel, Como Town, and Putt'er There Mini Golf. The Como Park Zoo is located west of the intersection of Lexington Parkway and Horton Avenue in Saint Paul. More information can be found at www.comozooconservatory.org.

Weather in the Twin Cities has been warm and sunny this summer. If you are looking for a place to cool down while at the NASJE Conference, you may want to try one of the area's newest water parks.

Jim Lupient Water Park

Minneapolis' newest city-owned water park features three large water slides, including a tube slide. Additional features include a log water walk, many interactive spray features, water volleyball, lap swimming lanes, and zero depth entry at one end for accessibility.

The park theme is a rock quarry and featured items are designed to look like a quarry by incorporating stone, foam play quarry equipment and foam logs. There is also a new separate spray pool for the younger kids that is completely accessible as well as new colorful shade structures, outside shower towers, concessions, lots of seating, a grassy sun-bathing area and outside lockers.

The municipal park is located at 1520 Johnson Street N.E. Hours are Monday - Friday 1:00 p.m. - 8:00 p.m. and Saturday & Sunday 11:00 a.m. - 7:00 p.m. Admission is \$6.00 for individuals 42 inches tall and over; \$5.00 - Less than 42 inches tall; and free - Under the age of One Enter after 6:00 p.m. and save \$2.00 per person Monday – Friday.

Water Park of America at the Grand Lodge

This 70,000 square foot indoor water park is located in Bloomington, near Mall of America. It is open to registered guests of the Grand Lodge and daily tickets are also available at the door and online for the general public.

The park features tube and body water slides, interactive water play structure, children's pool, sports activity pools, kayak course, current channel, hot tub spas, and lazy river. The centerpiece of the 70,000-sq.-ft. indoor water park is its 10-story tall water slide complex which guests access via an elevator. Clear acrylic tubes send riders zooming down 100 feet outside a lighthouse and back into the indoor park.

The website is www.waterparkofamerica.com.

Chapter *Eight*

Developing Your Feedback Skills

Chapter Objectives

- . Reassess your current feedback skills.
- . Create an action plan for improving your feedback skills.

Reassessing Your Feedback Skills

At the beginning of this session, you had the opportunity to assess your current feedback skills. Now it's time to develop an action plan for improving those areas in which you were weak.

The following statements represent feedback skills that you have learned about in this class. Mark each statement that you would like to incorporate into your personal action plan.

Skills for Giving Effective Feedback

_____ I will pick an appropriate time and place to give feedback.

_____ I will keep my emotions in check, remain calm, and keep my voice even.

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- _____ I will provide specific, detailed information about the teammate's behavior or performance.
- _____ I will explain the impact the teammate's actions are having on the team or organization.
- _____ I will really listen to the responses of those receiving my feedback.
- _____ I will clarify my expectations if there is any confusion about the action in question.
- _____ I will remember to thank and encourage the receivers of my feedback.
- _____ I will provide input as needed in developing an action plan for meeting behavioral or performance goals.
- _____ I will focus on the steps of the feedback process to keep the dialogue on track.
- _____ I will try to understand feedback from the other person's point of view and preferred communication style.

Skills for Receiving Feedback Effectively

- _____ I will truly listen to what feedback givers are saying.
- _____ I will keep feedback in perspective and won't overreact.
- _____ I will try to learn from all feedback, even if it's given poorly.
- _____ I will admit to and learn from questions about my performance or behavior at work.
- _____ I will attempt to turn every feedback session into a useful encounter.
- _____ I will accept redirection and reinforcement rather than denying them.
- _____ I will accept responsibility for my role in achieving individual, team, and organizational goals.
- _____ I will accept responsibility for developing solutions to performance and behavioral problems that threaten goals.
- _____ I will accept responsibility for keeping my emotions in check during feedback discussions.
- _____ I will listen and learn in all feedback situations.

Developing an Action Plan

Take some time now to develop an action plan for improving those skills that you checked. There are any number of ways that you can develop your skills at giving and receiving feedback. Here are a few you might try:

- ◆ Identify another person in your organization who you believe gives and receives feedback effectively and observe that person. Take note of the things that person does that makes his or her feedback effective. Then try to develop those actions yourself.

- ◆ Is there a person in your organization to whom you frequently give feedback? Ask that person to rate your skills. Do you give that person enough information so that he or she can effectively improve behavior and performance, or is that person often confused by your feedback? Based on that person's response, determine which feedback skills you need to improve.
- ◆ Is there a person in your organization who frequently gives you feedback? Do you accept that person's feedback with an open mind, or do you become defensive and make excuses? Ask that person to rate your skills as a feedback recipient, and determine if there are things you can do to improve those skills.
- ◆ Talk to someone in your organization who deals with feedback situations effectively, and ask that person to be your mentor. You might try role-playing feedback situations with that person so that you can practice both giving and receiving feedback in a comfortable environment.
- ◆ Learn more about feedback and communication skills. American Media has a number of excellent books and videos that can help you.
- ◆ Practice your feedback skills whenever possible. Don't shy away from the need to respond to another teammate's behavior or performance, and encourage your associates and coworkers to do the same for you.

As you consider these options, choose two or three that you would like to try and create an action plan for following through on them in the next few weeks. Your plan could look something like this:

Take the self-assessments from the beginning of this class again after you've had a few months to develop your skills, and see if you score differently. With a little practice, you'll soon be able to give your associates, coworkers, and supervisors useful feedback, and you'll be able to effectively receive feedback that will help you achieve your own professional goals.

Feedback Action Plan:

- ◆ Ask the new sales trainee if I have been giving her useful feedback about her customer service skills. Ask her if there are different types of information I haven't been giving her that she would find useful.
- ◆ Observe how the district sales manager gives me feedback during our next review. Make a note of techniques that I like and don't like and compare them to the way I give feedback to my associates.
- ◆ Ask Richard to help me role-play a redirection session. Ask him to pretend to be defensive so I can practice dealing with excuses.

PAMELA LIZARDI WAS APPOINTED AS THE TRAINING & STAFF DEVELOPMENT ADMINISTRATOR FOR THE TRIAL COURTS OF MARICOPA COUNTY IN JULY 2003 AFTER SERVING AS THE TRAINING COORDINATOR FOR MARICOPA COUNTY LIMITED JURISDICTION COURTS SINCE MARCH 2002. PAM HAS SPENT OVER 22YEARS IN THE UNITED STATES ARMY IN VARIOUS POSITIONS BOTH IN THE ACTIVE SERVICE AND THE NATIONAL GUARD. PAM HAS WRITTEN NUMEROUS TRAINING PROGRAMS, MOST SIGNIFICANTLY IS *IMPROVING ONE-ON-ONE TRAINING*. PAM HAS A SUCCESSFUL 19 YEAR TRAINING BACKGROUND. RECENTLY SHE COMPLETED HER MASTERS IN EDUCATION WITH OTTAWA UNIVERSITY, GRADUATING SUMA CUM LAUDE WITH A 4.0 GPA. SHE RECEIVED A BACHELOR OF SCIENCE IN BUSINESS MANAGEMENT FROM THE UNIVERSITY OF PHOENIX. PAM IS ALSO ADJUNCT FACULTY WITH MESA COMMUNITY COLLEGE IN THE JUDICIAL STUDIES PROGRAM. SHE HOLDS CERTIFICATES FROM ARIZONA DEPT. OF EDUCATION IN TEACHING CAREER & TECHNICAL EDUCATION, BUSINESS & MARKETING, ADULT EDUCATION, AND SECONDARY EDUCATION IN HISTORY & BUSINESS. PAM CONTINUES HER TO LEARN WITH TWO ORGANIZATIONS, NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS AND THE AMERICAN SOCIETY OF TRAINING AND DEVELOPMENT, ALONG WITH ADDITIONAL COLLEGE CLASSES.