

NASJENews Quarterly

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NASJENews Quarterly • Summer 2009

Volume 24 • Number 3

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by Gordon Zimmerman, Ph.D.

Live (face-to-face, in-person) education formats remain at the heart of judicial educators' work. Planning and administering programs consume most of the staff time and yearly budget. For some states and national providers a specialist, perhaps a program attorney, handles publications. Other specialists maintain web sites and distance education. But live programs are the central identity and mission for most judicial education directors. [more >](#)

- [Ensuring Educational Success During Economic Distress](#)

by Erica Auston, J.D.

While many state court systems are struggling to adapt to the nation's current economic climate, Kentucky's historically underfunded judiciary is unfortunately well acclimated to these harsh economic elements. However, the economic forecast predicts that things will go from bad to worse. Facing this formidable challenge head on, the Kentucky Administrative Office of the Courts is once again hyper focused on redefining "core" court functions and maximizing efficiencies in the delivery of these services. [more >](#)

- [No-Cost or Low-Cost Technology: Making Technology Work for You: Webmeetings with Dimdim Free](#)

by Sandra Ratcliff Daffrom, EdD, and Edward Webster, MEd

For years, judicial educators have asked IPT&E "Is there a simple, inexpensive and quick-to-learn web-based alternative to my judicial education presentations?" Recently we found just such a solution and are pleased to review Dimdim Free in this article. [more >](#)

- [Kentucky Circuit Judges Utilize NASJE Standards to Instruct Peers at Fall College](#)

by Hon. Julia Hylton Adams

The Kentucky Circuit Judges Academy is developing an educational program with a focus toward restoring the dignity of the courtroom process. During the Annual Fall College, the Kentucky Circuit Judges will examine the judge's pivotal role in maintaining a dignified, orderly, respectful courtroom atmosphere. [more >](#)

[Brains and Biases – Yesterday and Today](#)

by Charles B. Schudson

What could literature, old and new, help judges understand about issues, old and new, coming to America's courts? What could authors – as diverse as Susan Glaspell, Richard Wright, Amy Tan, Barack Obama, Isabel Allende, Elie Wiesel – teach us about the people and problems coming before us? What could recent research in brain science help us understand about judicial biases, motivations and decision-making? [more >](#)

[Got Bias?](#)

by Shawn C. Marsh, Ph.D.

Given the impact of judicial decisions, it is in our best interest to understand factors that shape our thinking—particularly those that can lead to unintentional, but real, disparate treatment in cases before our courts. One social cognitive process that influences decision making and is receiving increased attention by psychologists and legal educators alike is implicit bias. [more >](#)

Features

[BLAST FROM THE PAST: Hotels, Nuts, Bolts, and Money](#)

by Scott C. Smith

Reprinted from *NASJE News* (Summer 1989). [more >](#)

[BALANCE: Lessons for Law and Life](#)

A publication of the Judicial Conference of Indiana, *Judicial Balance* includes stories and insights. [more >](#)

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Seriously fun activities for trainers, facilitators, performance consultants, and managers. [more >](#)

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[SJI News](#)

The May 2009 edition of the [E-SJI News](#) is now available on the SJI website. You can download the PDF version [here](#).

Key highlights include:

- New Strategic Initiatives Grants Will Continue Addressing National Court Issues
- President's Budget Includes Funding For SJI
- National Institute of Corrections and SJI Support Risk Assessments in Sentencing
- FY 2009 3rd Quarter Grant Applications

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SPECIAL ANNOUNCEMENTS

Next grant and scholarship application deadline: **August 1, 2009 (4th Quarter FY 2009)**

[Grant Guideline](#) for FY 2009 is available on the SJI website

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New Ethics Courses for Judges

The Judicial Division of the ABA is offering four new ethics courses for judges based on the new rules governing judicial behavior that were adopted by the Association's House of Delegates in 2007.

Since this time, forty states have either adopted the Model Code or have appointed commissions to study them.

The new rules contain a number of significant changes that bear noting. They include a rule that allows a judge to defend himself/herself in the case of unfair criticism of his/her case decision(s) a rule that specifically authorizes a judge "to announce" his or her opinion on matters of law and public policy during a judicial election campaign a rule which includes within the definition of a judge's duties and responsibilities the need "to outreach" to the community and a rule that exempts judges who sit on specialized courts from the provisions of the Code where separate rules were adopted that apply.

The new courses include:

- When Judges Speak: The Ethics of Judicial Outreach and Communication
- When the People Decide: The Ethics of Judicial Elections Dealing Ethically with the Media and Still Winning
- Same-Sex Marriages and Judicial Ethics

Those wishing further information on these or other cutting edge programs available from the ABA can contact Gena Taylor at taylor@staff.abanet.org.

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Transitions

Please join us in welcoming the following new NASJE members:

- **Ms. Stephanie Hemmert Briscoe**, Assistant Division Director for Clerk's Office Programs, Federal Judicial Center, Washington, DC
- **Mr. Chris Crawford**, President, Justice Served, Eureka, California
- **Mr. Mark Goodner**, Program Atty. & Dep. Counsel, Texas Municipal Courts Education Center, Austin, Texas
- **Ms. Mary Stixrud**, Judicial Education Manager, Office of State Courts Administrator, Jefferson City, Missouri
- **Ms. Sue Darst Tate**, Director of Judicial Education/ ADR/CIP, AOC, Oklahoma City, Oklahoma

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NEWS

From the President

by *Claudia J. Fernandes*



Claudia Fernandes

As I come to the end of my term as your president of NASJE I would like to reflect on what NASJE's role in judicial branch education has been and strives to be for its members. Over the years many have been your president and worked to build an organization that provides a one of a kind resource and network for Judicial Educators nationwide and beyond. NASJE's mission and values have been set out since 1975, when a group of state judicial educators saw a need for an organization that provided a means by which they could share ideas, education and resources and gave them a network to discuss the challenges and opportunities we have as educators. We have come a long way; the organization and its leaders worked on a strategic plan, developed the first set of Principles and Standards of Judicial Education, approved a set of core competencies for judicial branch educators, and partnered with JERITT on monographs and many other great works. All of these can be found on our website, along with other documents and resources.

NASJE has changed since its inception and we have moved on to keep up with the times. We have made outreach internationally, partnered with sister court organizations, updated our Principles and Standards to encompass the Judicial Branch, produced curriculum with other organizations outside our normal arena, and continue to look forward to the "The Future of Judicial Branch Education", whatever it may be.

This year's conference has embodied that ideal, and we are looking forward and acknowledging that our audience is accessing information differently. Technology has changed the way we provide education, and this year we have worked to include all of these components into what I would describe as an exceptional program. The Education Committee has strived to build a program that shares resources, new ideas, and tools to assist Judicial Branch educators in their quest to provide better education to the people we serve.

The accomplishments of our organization this year have been many, and I would like to share just a few. This year we listened to our members used information and comments we received throughout the year to build a conference that reflected your input and your needs. In addition, with the genius of our new treasurer, Merry Hofford, NASJE received an SJI grant to help with the conference programming and costs this year. We also wanted to acknowledge the work and expertise of our retired members and have instituted a reduced fee for NASJE retired membership at \$50.00 and a reduced conference fee of \$250. In these economic times we also reduced the membership fee to one standard cost of \$125.00. We have signed an MOU with the NCSC international division to provide international opportunities for our members on contracts that may have an educational component. We have been working with Maureen Conner of JERITT to provide the monographs on-line so that these great resources can be easily accessible to our members. Our membership and mentor committees have been working together this year to provide a network to connect new members with the organization and I think you will see some very positive outcomes from this partnership. And this is only the tip of the iceberg.

I want to thank the committee chairs and their members for all the work and commitment they have provided throughout the year. And a big thank you to the board for all their hard work and leadership this year, It was an exciting and productive year and a sad one as we said a fond farewell to Sherry Carson, our wonderful treasurer for many years who has a wealth of knowledge and expertise. She has retired and is moving on to new endeavors; we will miss

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her more than words can express. It takes a village as they say and I agree. This organization is not just the sum of its parts, it is an exceptional group of people who support each other and share with each other. I plan to continue working to make NASJE a strong organization and I ask all of our members to join me in continuing to make NASJE a source of support and leadership for our profession.

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From the Editor

by Philip Schopick



Philip Schopick

The past year has seen the *NasjeNews Quarterly* continue to be a publication that contributes substantially 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. The improved format of a short introduction to each article on the front page continues to be well received.

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

Margaret Allen, Lee Ann Barnhardt, Daphne Burns, Steve Circeo, Jo Deyo, Anne Jordan, Kelly Tait, Deborah Williamson, Shawn Marsh.

Guest Editors

Pam Casey, Maureen Conner, Denise Dancy, Hon. David Gersten, Ellen Marshall, Polly Schnaper.

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 Milt Nuzum, Director of the Judicial College, 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*

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Resources

Defending Live Judicial Education

by Gordon Zimmerman, Ph.D.

A judicial education director was making final preparations for the annual state judicial institute. She and her education committee had done careful needs assessment, planned the three-day institute schedule, and selected the instructor teams. The twenty judges who would teach the plenary and elective courses attended a faculty development workshop. Their course planning and materials preparation were progressing nicely. The institute was the flagship program of the judicial education division of the AOC, and attendance was required of all general jurisdiction judges. This October program, the director thought, would be the best ever.

In June, she got a phone call from her boss, who relayed the bad news.

The governor's austerity budget, soon to be ratified by the legislature, demanded major cuts in the judicial branch. The annual judicial institute was expensive and visible; it would be one of the casualties.

The judicial educator protested, noting that the preparation for October was virtually complete. But her boss, obviously not an educator, had a suggestion. "Take all the course materials that you've received, get the instructors' lectures and slides, compile all of it on a CD, and send it out to all the judges. We can also put the materials on the AOC web site and let the judges download everything. The cost of this year's institute can be virtually zero."

Later, the end of the story. But the events above really happened, the judicial educator is a real person, and this writer conducted her faculty development program for some very committed and talented judge-instructors.

Live Judicial Conferences at Risk

Live (face-to-face, in-person) education formats remain at the heart of judicial educators' work. Planning and administering programs consume most of the staff time and yearly budget. For some states and national providers a specialist, perhaps a program attorney, handles publications. Other specialists maintain web sites and distance education. But live programs are the central identity and mission for most judicial education directors.

Two conditions have converged to threaten our long tradition of live state and national judicial education programs. The first and most compelling is money. All providers have felt the budget pinch, and for some the problem is acute. Reductions in state funding, available grants for education projects and declining conference attendance fees have already led to reductions in the number and size of in-person programs. Budget woes will continue and probably worsen for several years. Virtually no one predicts a return to the judicial education growth period of the late 1980s through the 1990s.

As budgets decline, direct costs increase. Some judicial educators remember the old days when many fine hotels offered state rates for lodging, when per diem food bills and mileage were relatively cheap, and when airlines had "super saver" fares. And indirect expenses, especially dark courtrooms and deferred dockets while judges attended programs, were not even considered in budget planning. Today, travel costs have doubled since 2000 and people do notice that judges are away from their work, at taxpayers' expense, while case backlogs increase.

The second condition is digital information technology. Judges, our core learner group, can access or receive more information faster and more cheaply than ever before in human history. The twenty year investment in court technology has yielded a digitally-linked professional community of judges. Ten years ago, many judges would have been unwilling or incapable participants in a system-wide information exchange. Today, most judges are competent IT

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users and are expected, as part of their professional responsibility, to use court and AOC resources, including e-mail. Judicial educators can maintain contact with their judges, committee members and instructors at little cost.

Judicial education in the United States may soon be required to transition its services to primarily electronically-delivered programs. The costs of face-to-face education are too great; the alternative information channels are too cheap to ignore. Like the opening example, the first all-digital, virtual state judicial college may be closer than we think.

Our association is not afraid of technology. In many cases, NASJE members have led the way, developing other delivery systems beyond live programs. At NASJE conferences and in this journal, the membership has reported their use of teleconferencing, web-based instruction, electronic course materials, and other innovations to expand the breadth and affordability of education services. These innovations are *in addition to* the state or national provider's face-to-face programs.

But we are approaching a time when electronic delivery may *replace* live programming. Judicial educators will have the burden of proof to justify any educational programs that require judges to leave their courts and meet face-to-face with their colleagues. This writer hopes such a future is a false prophecy. Maybe "they wouldn't dare cancel the annual judicial conference." But, alas, in some state and national programs, they already have cancelled programs.

To defend the future of live judicial education, we must do two things. First, we must identify the unique educational outcomes of live instruction settings. Second, we must develop our faculty and courses to deliver these results.

The Power of Face-to-Face

Judicial Education We must be prepared to advocate for the live format. *NASJE News* and the annual conference might be forums to explore in-person education benefits and prepare persuasive support for it. The following are a few rationales for continuing our conference tradition.

1. Live education settings permit judicial dialogue. In the training sessions, during breaks, at meals and social events, judges can talk to each other. They can escape the solitary life of their own courtrooms and chambers, re-connect with the judicial community and develop new professional contacts that continue as a resource long after the program ends.

2. Oral communication in conferences has more power to influence judicial practice. Written and spoken channels do not deliver the same results. Written (including electronic) channels have the advantage of speed, quantity and breadth of information flow. Spoken communication is slower but adds more personal influence. The instructor—often another judge—has more personal power to shape learners' daily practice when the communication is face-to-face. Even that instructor's written materials in the conference binder do not have the same influence on learner behavior as his or her spoken comments.

3. Live settings facilitate participatory learning methods. As we use adult learning theory and practice in our instruction, we assume that learner interaction will be a practical possibility. (Some interactive methods are of course possible in teleconferences and web-based training, but not without specially trained instructors and significant technical investment.)

4. Live settings build learner motivation. This writer has observed that "resistance to learning" comes less from judges' opposition to new information and practices and more from judges' preoccupation with daily work and passive acceptance of current knowledge and methods. The momentum of the daily routine can be broken when the judges leave that environment and meet together, immersed in an interactive learning setting. They are motivated by each other, by instructors and by a unique environment. While most educators have seen occasional cases of successful self-motivated independent learning, the effective conference can help mobilize large numbers of our learner clients.

i. The in-person setting helps identify and recruit judicial leaders. We need judges for committees, teaching faculty, advocacy and special projects. Many judges currently in these state or national roles "got noticed" through conference attendance. Their interaction with colleagues beyond their own court districts was the gateway to a leadership role.

Strategies for Judicial Education

In the opening story, the judicial education director heard her boss suggest electronic course delivery to replace the

expensive annual conference. She admitted later that her first response was not well thought out: “But if we just send the lecture transcripts and materials, the judges won’t read them.” Her administrator was shocked. “Are you saying that we are going to spend all this money on the conference because judges are too lazy to read on their own what they need to learn?”

The director’s second response was better. “No, that’s not what I’m saying. My point is that what judges will gain at our conference cannot occur by simply reading something.” She then explained the faculty preparation, the carefully developed learning objectives and the special teaching methods designed to achieve them.

After several meetings, negotiation and strong endorsement from the chief justice of the state supreme court, the director was able to salvage the budget. The conference occurred as planned. It was, she testified later, “a very close call. It made me realize that funding our annual programming is no longer automatic. We have to justify these meetings based on the outcomes we achieve.”

Indeed. And to be fair, the court administrator had a point. If all we are doing is transferring information, we can do that cheaply; we don’t need to close courtrooms and fund conference travel. But judicial education is not “information transfer.” It is observable learning results. Thus, the key mission: we must demonstrate the indispensable outcomes that our seminars, new judges orientations, workshops, colleges and conferences provide.

These are a few strategies:

1. Prepare and publicize behavioral learning objectives. Now standard for most judicial education programs, these observable outcomes—for every course, workshop or conference segment—should guide faculty preparation and methods. They should also be readily available to any outsider, included on conference web sites. All course “topics” should be operationalized with intended outcomes.

2. Develop faculty. Workshops to train new instructors and preparation sessions for existing faculty are always good investments. This is where we build the participatory teaching methods that separate live instruction from other information formats. Team teaching can be developed. For longer judicial college programs, a cohesive faculty culture can be built.

3. Avoid PowerPoint information overload. Detailed content slides encourage too much lecturing and restrict learner participation. Since slide programs can be sent electronically and photocopied in binders, they potentially replace the instructor’s role . . . and the need for learners to be here in person. Make visuals that support learning activities, not just summarize content.

4. Avoid broad topical coverage; build courses with depth and narrow objectives. When designing conference programs, consider this motto: “Coverage is not learning.” Sheer coverage can be achieved easier with written and digital information. What makes live education powerful is in-depth learning, including discussions, problem-solving and skills practice. “Less is more” when defending face-to-face education.

5. Increase courses that have skills-based (behavioral) outcomes and decrease courses that have knowledge-based (cognitive) outcomes. Remember that “decision-making” and “problem-solving” are skills, not knowledge. For judges, “behavior” is making decisions, communicating with parties, gathering information, managing courtroom events, explaining the law and applying standards of fairness. Every educational program will have a knowledge base, a cognitive objective. But face-to-face education must go further. We are people, meeting together, to use information to build our judicial skills. Cognitively-based programs are vulnerable; skills-based programs are on much safer ground.

6. Support and monitor non-judge instructors. These outside contributors—academics, psychologists, social workers, and other experts—often need our guidance to adapt to the behavior-based participatory learning strategies of our live programs. If the expert has only a topic and a time slot, we may receive a presentation that doesn’t justify our physical presence at the program.

7. Invite decision-makers to observe educational conferences. Our colleagues in state government may have an inaccurate picture of our live judicial programs. We should welcome them to see and hear the intensity of the judges’ in-person learning experience. We may explode old stereotypes of people sitting quietly and listening to lectures in

large rooms.

Conclusion

For about thirty years, I have assisted judicial instructors develop their courses. My guiding principle has been the “Unique Learning” strategy: What will you do in your course that cannot be replicated by saying, “Here, read this.”? If the answer is, well, I suppose my course content could also be learned through written materials, then we aren’t there yet. The instructor must do more to create a unique learning experience.

We have developed our courses and faculty based on a commitment to modern adult learning methodology, from Malcolm Knowles to the Kolb Circle. We limited lecturing, wrote learning objectives, created participation activities, encouraged visual aids, taught PowerPoint, bought “responder” technology and built “smart” classrooms. We did these things to provide professional leadership and improve our services. Today we have a new motive—to defend and preserve the institution of conference education.

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Gordon Zimmerman, PhD is professor emeritus in communication at the University of Nevada. His company, Zimmerman Consulting, does faculty development and communication training for judicial education and CLE.

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Ensuring Educational Success During Economic Distress

by Erica Austin, J.D.

While many state court systems are struggling to adapt to the nation's current economic climate, Kentucky's historically underfunded judiciary is unfortunately well acclimated to these harsh economic elements. However, with state legislators scrambling to resolve the projected \$996 million state revenue shortfall, the economic forecast predicts that things will go from bad to worse for the branch of government currently receiving less than 3 % of the Commonwealth's general operating fund. Facing this formidable challenge head on, the Kentucky Administrative Office of the Courts [hereinafter "KY AOC"] is once again hyper focused on redefining "core" court functions and maximizing efficiencies in the delivery of these services.

While awaiting the formal recommendations and conclusions of this extensive inquiry, the ten (10) departments and twelve (12) divisions of the KY AOC are not lying dormant. Instead, KY AOC leadership is encouraging all departments and divisions to continue to embrace creativity and innovation in coping with budget constraints. As such, departments and divisions are fully supported in rolling up their sleeves and thinking outside of the box to design and implement short term and temporary tactical responses.

One such measure jointly crafted by the veteran Division of Judicial Branch Education and the newly created Training Division includes the "Train the Trainer Academy." The Train the Trainer Academy is both a fruit of the KY AOC's 2008-2011 Strategic Plan and a byproduct of the highly successful 2008 Kentucky Circuit Judges' Academy developed in cooperation with Dr. Sandra Ratcliff Daffron of the Institute for Professional Training and Education. Expanding the scope beyond practices within Judicial Branch Education, the goal of the Train the Trainer Academy is "to expedite the uniform creation of an **agency** staff committed to incorporating best practices and standards of adult learning into their facilitation of effective Kentucky Court of Justice staff development trainings."

To achieve this goal, KY AOC began piloting the "academy spin-off" in March, 2009. During the inaugural year, the three (3) day seminar will be offered once per month. Each month, the Train the Trainer Academy will specifically host one (1) of KY AOC's ten (10) departments. Each department will self-identify a maximum of fifteen (15) participants who are engaged in some departmental level of curriculum development, program planning, and/or training. Over the course of three (3) days, the following agenda will provide attendees with a foundation for aligning departmental trainings with best practices and standards of adult learning:

Day 1: Learning Theory 101

Testing Multiple Intelligences
Identifying Individual and Generational Learning Styles
Training Style Inventory

Day 2: Instructional Road Mapping with the NASJE Navigational System

Needs Assessment
Goals and Objectives
Learning Activities and Learning Environment
Evaluations

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Day 3: Polishing Your Presentation

Conquering Gloss phobia
 Educational Technology 101
 PowerPoint 101

Unlike many other seminars and workshops, the Train the Trainer Academy does not come to an abrupt halt at the conclusion of three (3) days. Instead, the Train the Trainer Academy simply “adjourns” and “reconvenes” in two (2) to (4) weeks. Far from a hiatus, this period is specifically reserved to enable participants to focus on achieving the academy’s performance objective that *“Participants will demonstrate their mastery of adult learning theory and ‘effective’ adult teaching strategies by developing and showcasing training sessions for assigned KCOJ audiences.”* Thus, with their heads swimming with “radical” notions that educational planning should be born from “formal needs assessments” and that “evaluations” are to be more than lackadaisical afterthoughts, each attendee uses this time to develop an instructional plan and presentation targeting a departmental need of high importance.

At a scheduled date and time, the Train the Trainer Academy reconvenes for the participant showcase before a live audience. Ideally, the live audience consists of the departmental leadership; peers; education specialists, and trainers. The presentations are accordingly critiqued on how well the participants demonstrate their mastery of adult learning theory and effective adult teaching strategies.

In closing, the KY AOC’s expectations for the pilot version of the Train the Trainer Academy are very realistic. Far from expecting an overnight moratorium on large plenary lecture-based instruction, the KY AOC envisions this educational endeavor as a tool for maximizing educational efficiencies during lean budget times. Nothing more than a systematic attempt to infuse the entire Kentucky Court of Justice with NASJE principles traditionally “siloeed” within Judicial Branch Education, this measure is long overdue and promises to yield high returns.



Erica Austin is the Manager of Judicial Branch Education for the Kentucky Administrative Office of the Courts. Erica came to AOC with a blended background of law and education. A member of the Kentucky Bar, she completed her legal studies at Mississippi College School of Law in 2005. Graduating cum laude in 1999, Erica completed her undergraduate work in history, political science, and education at Georgetown College. Erica previously served as a law clerk for Circuit Judge Jeffrey Burdette, as a guardian ad litem for the MS Child Advocacy Clinic, and as a teacher in a variety of classroom and alternative settings.

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No-Cost or Low-Cost Technology: Making Technology Work for You!

by *Sandra Ratcliff Daffrom, EdD, and Edward Webster, MEd*

WEB MEETINGS WITH DIMDIM FREE

In recent years, judicial educators have been faced with budget cuts that have affected both the quality and quantity of their curriculum offerings. The trend to deliver judicial education programs on-line will continue as internet-based options are often more convenient for participants, and can save educators thousands of dollars in travel expenses. However, this technology is often bewildering, relatively pricey, and time consuming to learn. For years, judicial educators have asked IPT&E "Is there a simple, inexpensive and quick-to-learn web-based alternative to my judicial education presentations?" Recently we found just such a solution and are pleased to review Dimdim Free in this article.

Western Washington University (WWU) and Bellingham, WA, in particular, pride themselves on making "green" decisions about educational activities that consider resource usage and sustainability issues. The College and Continuing Education program at WWU has found that Dimdim Free is an excellent, no-cost collaboration and content delivery tool for small classes, conference planning meetings and informal seminars. Dimdim Free embraces both the "green" theme and spends dollars wisely, using technology that is both effective and easy to master. Dimdim Free does what it promises and it's free, encouraging experimentation by both instructors and students!

What exactly is Dimdim Free?

The tools in a modern face-to-face meeting room are familiar to judicial educators... a projection screen for displaying slides, documents and web pages, a paper flip chart to sketch ideas, and a laser pointer for emphasis. The judges or staff members are just a few feet away, asking questions and engaging in discussions.

A web meeting room has the same tools, but the tools are in a "virtual" world. Judges or staff "attend" the meeting with a web browser, seeing the educators "projection screen" with slides, documents and web pages, and a "white board" for sketching ideas, all emphasized with a cyber screen pointer. The judicial educator is at the "front" of the meeting, their face in a small video window, and their voice in the attendee's computer speakers. During discussions, the educator can select an attendee to be seen and heard by the entire meeting, or attendees may type questions and comments into a live "text chat" window for all to read.

Resources

- [Defending Live Judicial Education](#)
- [Ensuring Educational Success During Economic Distress](#)
- [Webmeetings with Dimdim Free](#)
- [Kentucky Circuit Judges Utilize NASJE Standards to Instruct Peers at Fall College](#)
- [Brains and Biases -- Yesterday and Today](#)
- [Got Bias?](#)

web meeting as intuitive as changing slides and passing around the guest microphone in a face-to-face setting.

What other no-cost or low-cost technology is out there?

In future articles, IPT&E will explore how no-cost or low-cost solutions for document collaboration, distance learning delivery and audio conferencing can be teamed with Dimdim Free to help organizations use the internet to stretch budgets, minimize resource usage and embrace sustainability.

For more information on Dimdim Free go to <http://www.dimdim.com>.

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06/01/09

Kentucky Circuit Judges Utilize NASJE Standards to Instruct Peers at Fall College

by Hon. Julia Hylton Adams, 15th Kentucky Judicial Circuit, 1st Division

The Kentucky Circuit Judges Academy is developing an educational program with a focus toward restoring the dignity of the courtroom process. During the Annual Fall College, the Kentucky Circuit Judges will examine the judge's pivotal role in maintaining a dignified, orderly, respectful courtroom atmosphere.

The Academy presentation will begin with a historical survey of our English/American legal traditions. The judges will review the common law historical traditions that have made their way across the Atlantic Ocean and become a little understood part of our legal lexicon.

What did it mean at the Royal Inns for an aspiring advocate to "pass the bar" - and is that passing still important in our process today?

What did it mean in medieval England to be a member of the bar and what role does the bar have in our modern legal culture?

The Academy instructors will review the historical and traditional architectural symbolism employed in courtroom design. Similarly, the Academy members will discuss the history of the judge's gavel.

The Academy presentation will include an informative historical investigation of the robe - (the judge's uniform) and its impact on our unique American legal notions of impartiality and service to the rule of law.

The judges in attendance will have an opportunity to view a video collection of the robes of the Royal Courts, our early American Supreme Court vestments and Chief Justice John Marshall's simple black linen robe. They will also see a video montage of Kentucky's various courtrooms, and their designs.

Every day that judges enter the courtroom they have an opportunity to be inspirational or to treat the courtroom as if it were a factory processing legal disputes. With increasing caseloads and docket demands we are tempted to rush to the finish line. If we are sitting on the bench, we are unable to see the courtroom as litigants, jurors and citizens might see it.

The Academy will present a video of a typical motion docket seen from the gallery perspective rather than from the bench or the well of the courtroom. If we are able to see our work as others see it, we are better able to analyze our roles as judicial officers in a system worthy of community respect and regard.

Academy instructors will address the challenge of a formal process given the technologies of our time. Cell phones, PDAs and laptops in the courtroom often create a disruptive atmosphere. In our interconnected culture, attorneys are pressured to be available to their clients and staffs on demand. And what do we make of the presiding judge who text messages from the bench? Is the courtroom a sanctuary of justice or a place of business? Can it be both?

Circuit court judges will have the opportunity to review web sites and blogs critical of trial judges and attorneys. And perhaps some will see themselves on YouTube for the first time. Academy members and judges will discuss the ways in which judges conduct their professional duties and personal activities and the resulting influence upon public perception.

Resources

- [Defending Live Judicial Education](#)
- [Ensuring Educational Success During Economic Distress](#)
- [Webmeetings with DimeJim Free](#)
- [Kentucky Circuit Judges Utilize NASJE Standards to Instruct Peers at Fall College](#)
- [Brains and Biases -- Yesterday and Today](#)
- [Got Bias?](#)

In our increasingly casual culture, the Academy will explore the traditions of the courts in a world of tank tops and gym shorts. We will examine the balance and extent of the conflict between acceptable language, appropriate attire and decorum in the courtroom setting. We will discuss the responsibilities and authority of the trial judge with these inevitable occurrences. To what extent do we assert control over the courtroom conduct of trial attorneys and others?

We are hopeful that this presentation will remind us of our noble judicial heritage, will prompt self-examination and intellectual honesty resulting in aspirational and inspirational courtroom conduct worthy of respect and regard.

As we begin to consider and evaluate our own judicial performance and effectiveness, we must acknowledge that we must also efficiently manage our caseloads if we are to engender respect for the rule of law. Judges will be asked to complete (Ostrom, Ostrom, Hanson and Kleiman, 2007) the Court Culture Assessment Survey to enable us to continue the inquiry with meaningful data.



Circuit Court Judge Julia Hylton Adams serves the 25th Judicial Circuit, 1st Division. Prior to her election to Circuit Court, Judge Adams served in District Court from 1984 until 1993. Judge Adams graduated with a bachelor's degree from Transylvania University in 1974 and earned a juris doctor from the University of Kentucky in 1977. She serves as chair of the Kentucky Circuit Judges Education Committee. She is also a member of the American Judges Association and NASJE. Judge Adams has previously served as president of the Kentucky Circuit Judges Association and the Kentucky District Judges Association.

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Introduction

Brains and Biases – Yesterday and Today

by Charles B. Schudson

Same ol' same ol' – or a whole new ball game in the age of Obama?

“Oh, please, not another program on race and gender ‘sensitivity’ – been there, done that!”

That was the first sentence of the seminar description inviting Indiana’s judges to study literature for a day of their 2009 judicial conference. But if, by day’s end, the judges could agree on nothing else, they were unanimous in concluding that their six-hour seminar was different ... and fascinating.

What could literature, old and new, help judges understand about issues, old and new, coming to America’s courts? What could authors – as diverse as Susan Glaspell, Richard Wright, Amy Tan, Barack Obama, Isabel Allende, Elie Wiesel – teach us about the people and problems coming before us? What could recent research in brain science help us understand about judicial biases, motivations and decision-making?

Plenty. The time is right to revisit issues we may have thought were understood or, at least, exhausted. Recent brain research has revealed biases – conscious and unconscious – of real consequence in the conduct of those coming to our courts, and in our consideration of their cases. Recent events – from the presidential election of an African-American to the constitutional evaluation of gay marriage – again have catapulted questions of bias to our courts.

How can judges thoughtfully and personally approach such issues in a seminar setting? Literature can help.

The Indiana judges “curriculum” consisted of short films, short stories, op-ed commentaries, research summaries, and two powerful speeches:

Part One (9:00 to Noon)

Discriminate / Indiscriminate: Judicial Independence and Introspection

Race - Yesterday & Today *Almos' a Man*, Richard Wright
A Lesson Before Dying (Chapter 1), Ernest Gaines
After Rosa Parks, Janet Desaulniers
Two Kinds, Amy Tan

Brains & Bias

“What? Me Biased?”, Nicholas D. Kristof, *The New York Times*, October 30, 2008
 “Tolerance Over Race Can Spread, Studies Find,” *The New York Times*, November 7, 2008
 “A Nation of Cowards?”, Charles M. Blow, *The New York Times*, February 21, 2009
Brain Science and Bias – an introduction to Emotional Intelligence, Keynote Seminars, 2009
Barack Obama’s Speech on Race, March 18, 2008

Part Two (1:00 to 4:00)

Difference / Indifference: Judicial Mind and Motivation

Gender - Yesterday & Today *A Jury of Her Peers*, Susan Glaspell
Never Marry a Mexican, Sandra Cisneros

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- [Brains and Biases – Yesterday and Today](#)
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Caged Bird, Maya Angelou

*Race and Religion, Genocide
and Victimization - Yesterday
& Today*

The Perils of Indifference, Elie Wiesel, April 12, 1999
Ordinary Pain, Michael Lowenthal

*Motivation and The Changing
Mind* *A Call to Action / Diversity in the Legal Profession*, Association
Of Corporate Counsel, October 2004

"In Students' Eyes, Look-Alike Lawyers Don't Make the Grade,"
The New York Times, October 29, 2007
"Grading the Law Firms," *The New York Times*, November 4,
2007
"Judges Guilty in Scheme to Jail Youths for Profit," *The New
York Times*, February 13, 2009
The Judge's Wife, Isabel Allende

The Indiana judges' evaluations echoed their enthusiasm:

*Excellent ... very enjoyable ... First rate! ... helped me to audit my own behavior and thought process ...
Please do this again, regularly, often ... This format allows me to think about what I do and why, in a
helpful and developmental way! ... interesting, intelligent, and thought-provoking ... one of the best days
in judicial education ... a brilliant and wonderful presentation.*

The "brilliance" burst from the literature. The "wonderful presentation" poured from the actively participating Indiana judges – judges who embraced literature to illuminate deep and difficult issues at the heart of judicial excellence.

Charles B. Schudson served as a Wisconsin Circuit Judge, 1982-1992, and as a Wisconsin Court of Appeals Judge, 1992-2004. A member of NASJE, he is an Adjunct Professor of Law at Marquette University and the University of Wisconsin. In 2007, he was the Law and Literature Scholar in Residence at Lawrence University. Judge Schudson designs and facilitates law and literature seminars for judicial conferences. With the assistance of Indiana Judicial Education Director Cathy Springer, Judge Schudson presented "Brains and Biases: Yesterday and Today" at the Indiana Judicial Conference on April 16, 2009.

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Got Bias?

by *Shawn C. Marsh, Ph.D.*

Decision points exist from the moment a person comes in contact with the justice system until case resolution. Each decision point is an opportunity for police, social workers, probation officers, attorneys, judges and many others to make choices that can have a profound effect on the lives of children, youth, families, victims, and communities. Given the impact of these decisions, it is in our best interest to understand factors that shape our thinking—particularly those that can lead to unintentional, but real, disparate treatment in cases before our courts. One social cognitive process that influences decision making and is receiving increased attention by psychologists and legal educators alike is implicit bias.

Implicit bias is a preference—positive or negative—for a social group based on stereotypes or attitudes we hold. In contrast to explicit bias, whereby we are aware of our biases toward a group, implicit bias operates outside our awareness: we don't even know it is there. We can think of implicit bias as a lens through which we view the world. It automatically filters how we take in and act on information. It is always present. Sometimes, if we pay attention, we can notice the results of implicit bias in ourselves. Many of us have had the experience of thinking or saying a derogatory remark about someone "not like you" in a moment of frustration or anger. Although you might not personally endorse the prejudiced attitude that flashed in your mind, the lens of implicit bias develops early and is quite pervasive. In fact, the body of research on implicit bias suggests it exists for most people and operates not just as a function of race but also gender, age, and other categories—although not consistently or in the same manner or degree for everyone.

Recognizing that implicit bias appears to be close to universal provides an interesting foundation for broadening discussions on issues such as minority over-representation (MOR), disproportionate minority contact (DMC), and gender or age discrimination. In essence, when we look at research on social cognitive processes such as implicit bias we understand that these processes are normal rather than pathological since they are related to conserving important cognitive resources. This does not mean we should use them as an excuse for prejudice or discrimination. Rather, they give us insight into how we might go about avoiding the pitfalls we face when some of our information processing functions outside of our awareness.

So how much attention is the role of implicit bias in decision making getting from the field? A lot of attention. The most common context for discussions about implicit bias and the justice system are the issues of MOR and DMC. Few would disagree that minorities are over-represented in the justice system relative to their proportion in the general population. Substantial effort has been made to identify sources of this over-representation and enact legislation to encourage its reduction (e.g., the Juvenile Justice and Delinquency Prevention Act). Often, historical and sociological factors are presented to explain the existence of MOR and DMC—and this context is absolutely critical to understanding the issue of disparate treatment and outcomes. Not until recently, however, has implicit bias and decision making been seriously explored as a potential contributor to MOR and DMC.

Although implicit bias is receiving increased attention in legal education, it is important to emphasize several key points. First, the impact of implicit bias on issues such as MOR and DMC in the justice system is not being narrowed to imply any one person or role in the system is responsible. Rather, it is likely that implicit bias is operating at every single decision point as a person enters, moves through, and exits the system. In fact, some research suggests early

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biased decisions “load the pipeline” in terms of who tends to penetrate the system furthest—a condition that could strengthen certain stereotypes for later decision makers. Second, we must remember that those who are subject to the justice system also have implicit biases coloring their responses to decision makers. The reciprocal process between actors sets the stage for a self-fulfilling prophecy that can “confirm” one’s implicit beliefs. Lastly, even if we were able to eliminate biased decision making at all points of the justice system, it still would not quickly overcome the inertia of societal bias and history. Nonetheless, by acknowledging implicit bias and making efforts to limit its role in decision making in justice systems we can begin to ensure the process is fair and equitable for all concerned.

How do we reduce implicit bias in our decision making when it is automatic and pervasive? There are some promising strategies for checking implicit bias including:

- **Education.** Simply being aware that implicit bias exists and that it is a normal and widespread consequence of “being human” is a good first step to help us reduce its influence on our decisions.
- **Cognitive load.** In general, cognitive load pertains to the amount and complexity of information one has to process in any given time frame. A judge hearing six truancy cases on the morning docket likely experiences a relatively low cognitive load. In contrast, a judge hearing back-to-back complex and emotional dependency hearings all morning likely experiences a relatively high cognitive load. Reducing cognitive load by providing more time to consider large amounts of difficult information can lead to better decisions if one is so motivated.
- **High effort processing.** In contrast to low effort or “peripheral” processing that is relatively quick and dirty, high effort or “central” processing requires motivation and a concerted effort. This effort includes careful examination of the information with which you are faced and reflecting on potential thinking errors. Often these errors are rooted in basic “mental rules of thumb” that reflect our often flawed day-to-day understanding of how the world works. For example, many people engage in errors in thinking around probability that lead to poor decisions when gambling (i.e., “I must be due to hit it big!”).
- **Mindfulness.** Mindfulness is a concept drawn from the cognitive behavioral therapies that encourage being in the moment, understanding your thought processes, developing awareness, and challenging thinking errors. It can be encouraged by reflecting on how and what you think, and purposefully focusing on the task at hand versus “what’s next.”
- **Exposure.** There is some evidence that exposure to people different than you can help counteract biased thinking about that group. This suggests, for example, that if you spend most of your time with male managers in your workplace, it would be good practice to spend time with female managers as well. In lieu of spending time with out-group members, research also suggests that even thinking hard about out-group exemplars can be helpful.
- **Environment.** Cues within our environment can have subtle but pronounced influence on our thinking and behavior. For example, aggressive stimuli (e.g., guns or knives) have been associated with more aggressive actions by those exposed to the stimuli. Similarly, there appears to be merit in conducting a thorough check of your workplace for stereotypical materials. For example, do your informational brochures reflect race or gender bias? Are symbols and signs reflective of a masculine stereotype? If so, these stimuli could be contributing to biased decision making.
- **Organizational review.** An honest review of roles and power structures can help illuminate inherent organizational bias. For example, are most judges in your jurisdiction White males? If a Latina woman was being considered for a judgeship, would she truly have the same consideration as another candidate who more closely resembles the judge you tend to envision in your mind’s eye? These types of questions, while difficult to consider at times, are critical for assessing the diversity and attitudes of your organizations. If imbalance in power is present or bias is uncovered, spending time with atypical hires or managers can help—as can hiring “outside of the box.” Further, such exercises help encourage open and honest communication in the workplace, which can improve accountability.
- **Checklists.** Developing and employing checklists at various key decision points (e.g., detention intake) can encourage less biased decisions by providing an objective framework to assess your thinking and subsequent

decisions. The methodical approach encouraged by checklists also can serve to reduce cognitive load by introducing more time into the decision-making process.

- **Debiasing.** Debiasing typically refers to external checks and balances. This approach assumes that implicit bias will occur, thus puts safeguards in place to “correct for” biased decisions. One oft-cited example of debiasing is affirmative action. In the justice system, it might include regular audits of decisions at various points, and ongoing monitoring of data regarding relative ratios of race, gender, and age, and other groups that experience bias.
- **Look to other fields.** Although implicit bias has some history in psychology and the law, it is important to remember that business, education, and medicine all have explored the effects of social cognition and implicit bias on organizational functioning, and we can learn much from them as we move forward in our own efforts.

Evidence suggests that implicit bias exists for nearly everyone and can shape our decisions. Fortunately, if motivated to do so, it appears we have the capacity to control our biases to some degree. Although we should remember that completely eradicating bias will be difficult if not impossible, understanding how it develops and knowing that it is malleable is critical to moving toward social justice. With the right combination of strategies, we can begin to make meaningful progress toward reducing the impact of implicit bias on decisions involving the diverse populations with whom we work.

Suggested Reading and Resources

1. Banaji, M. R., Bazerman, M. H., & Chugh, D. (December 2003). How (un)ethical are you? *Harvard Business Review*, 1-10.
2. Carpenter, S. (2008). Buried prejudice. *Scientific American Mind*, 19, 32-39.
3. National Center for State Courts Web site (includes links to other articles and resources on implicit bias): http://www.ncsconline.org/D_Research/ref/implicit.html/
4. Project Implicit® Web site: <http://projectimplicit.net/>

Shawn C. Marsh, Ph.D., is a social psychologist and Director of the Juvenile and Family Law Department of the National Council of Juvenile and Family Court Judges. The author thanks Pamela Casey, Ph.D., of the National Center for State Courts and NCJFCJ staff members Jessica Pearce, Joshua Padilla, M.A., and Alicia Summers, Ph.D., for their thoughtful reviews of the full version of 'his article (available upon request from Dr. Marsh at smarsh@ncjfcj.org).

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Home

Hotels: Nuts, Bolts, and Money

by *Scott C. Smith*

Originally published in the Winter 1989 issue of NASJE News, this is still today a great article to read if you are interested in the ins and outs of booking hotels for meetings and conferences.

Read the article [here](#).

Features

- **BLAST FROM THE PAST:** Hotels: Nuts, Bolts, and Money
- **BALANCE:** Lessons for Law and Life
- **Thiagi Gameletter**

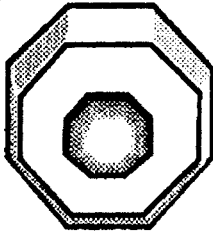
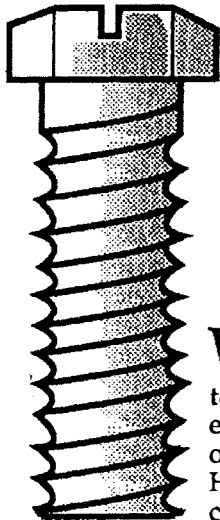
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HOTELS

Nuts, Bolts & Money

by Scott C. Smith

We consider ourselves to be judicial educators, trainers, or administrators. However, our most critical task begins when we put on the "meeting planner" hat. An effective judicial education program will have little significance if we cannot create a desirable environment for training. In almost every instance, this means selecting the appropriate conference facility — most often a hotel — for a particular program.

The United States hotel industry is a multi-billion dollar market. There are thousands of hotels to choose from with hundreds of thousands of rooms. They range from a ten-room tourist court to the 3,174-room Las Vegas Hilton. Meeting space is similar in its diversity.

Other than the basic functional features, hotels have very little in common. Size, location, staffing level, occupancy rate, proximity to a major airport, and, most importantly, attitude are some of the variables that complicate the meeting planner's selection of a facility.

Before developing a plan of attack for selecting a hotel, you should become as familiar with the industry as possible. Understanding how hotels make money is critical to successful selection. A hotel's primary source of revenue is sleeping room rentals. You are shooting yourself in

the foot from the very beginning if you threaten the hotel's income by giving your seminar participants a choice of area hotels and then asking your host hotel for special consideration.

Rooms are rented to the public at a variety of rates. The highest rate is called a "rack rate." Hotels apply it to the customer who walks in and asks "Do you have any rooms?" The lowest rate is the "athletic rate," which is based on the four-to-a-room

configuration for traveling sports teams.

Between these two extremes are the "commercial" and "government" rates. Within each of the four rates, some flexibility exists. A hotel's room rates generally depend on average daily room occupancy during the time you wish to host your seminar. You can calculate a hotel's average occupancy rate by using the formula below, which relies

continued on page eight

DO-IT-YOURSELF

Your state must assess some type of tax on hotel rooms. Likely this information is available from your state comptroller. If the information is quarterly (most likely), you will obtain only broad data. If it is monthly tax receipts, be sure to adjust the number of days to thirty. The number of rooms in a hotel and the lowest published single rate can be determined by making a blind call to the property. This formula is amazingly accurate. It was given to me by a hotelier, and while simple mathematics, it is considered a closely guarded industry secret.

$$R = \text{number of rooms in hotel multiplied by the number of days in the reporting period (quarterly report, use 90 days)}$$

$$Y = \frac{\text{Quarterly Gross Tax Reported}}{R}$$

$$\% \text{ Occupancy average rate} = \frac{Y}{\text{lowest published rate}}$$

on data obtainable from your state comptroller.

Because there is flexibility within a hotel's various rates, there are also several different rate structures based on occupancy — flat, single/double, and per person. The flat rate is generally the highest, because it does not distinguish singles and doubles.

The single/double rate is the most frequently encountered. To me, it is the most cumbersome to deal with, especially if you receive funding on a per-person basis.

The per-person rate is the most difficult one for the hotels to understand until they become accustomed to it. It provides you, the planner, with a direct one-to-one account management system as well as equitable treatment of your participants. I explain the rate to hotels by saying, "Simply slice your flat government rate in half, set up a double folio (billing) system per room, and put two persons in each room" (if double occupancy is required). If judges want a single room, or wish to bring their spouses, the hotel assesses a surcharge — the state pays one-half the double rate and the participant pays the balance. To succeed with a flat per-person rate, use thorough communication and sample folios.

Just as hotels offer a variety of rates, the variety of room styles is sometimes confusing. An on-site visit is strongly recommended if you have not used a facility previously. Keep in mind that "nothing is standard—always look." Some hotel jargon is standard. Thus, a *double* generally means two beds, while a *double double* means two beds with two persons. A *single* indicates a room with one bed (BEWARE of Murphy beds!). When it comes to suites, hotels use a number of buzzwords — executive suites, junior suites, parlor suites, and hospitality suites. You will simply have to look at these rooms to determine their adequacy.

Another room-related concept is the *room block*. Quite simply, it is the number of rooms that a hotel reserves for each day of your conference. High-occupancy hotels are more stringent concerning this block

than less-busy properties. This concept will be thoroughly discussed in the Part II of this article, which deals with negotiations. (Part II will appear in the next issue of *NASJE News-ED*.)

Finally, you must determine the hotel's cancellation policy. The industry standard for nonresort hotels is 6:00 p.m. Most resort hotels require 48-72 hours cancellation notice. By overemphasizing this time to your participants and insisting on some guarantee for a late arrival (many hotels automatically guarantee conference sleeping rooms for late arrivals), you'll have few problems. You will find some hotels to be rather inflexible on the cancellation time but quite willing to work with you if they are not expecting a full house on a particular day.

The second way that hotels make money is by selling food. Last year, national hotel food service figures topped \$12 billion. While seemingly high, the figure is quite small compared to total national food service sales of \$400 billion. Even more surprising is the tiny part of gross sales that is profit — from 0 to 7 percent — given the relatively high prices that we pay for hotel food, especially for a banquet (hotel restaurants have built-in profit).

A third way that hotels make money is by renting public space. While there should generally be no

meeting room charge (possibly except for additional small break out-rooms) to you when you rent sleeping rooms or book a meal function, the planner should be careful in asking for the appropriate amount of space. To ask for too much is to deny the hotel the opportunity to book another meeting. To ask for too little or just enough space may curtail your flexibility to adjust the space shortly before your conference.

Hoteliers inform me that the sale of alcohol is a rapidly diminishing source of income. Some hotels may consider alcohol revenue as gravy — not counting on it to address operating costs.

By understanding how hotels make money and how they structure their income-producing practices, we can prepare ourselves for the bargaining table. In the next issue, we will discuss the meeting planner's preparation and examine the "negotiability factor" of a variety of hotel offerings — ranging from sleeping-room amenities and coffee breaks to group meals and room rates. The next article will assist the planner in developing a negotiating plan for his or her locality. ■

NOTE: Educators in many states face different problems than I have outlined here. You also have a wealth of experience in dealing with hotels. Please share this knowledge by sending additional nuts-and-bolts suggestions to *NASJE News*.

Judicial Education Network Meets

The Judicial Education Network, funded by the State Justice Institute to foster cooperation among providers of judicial education, met October 12-14, 1988, in Alexandria, Virginia. Representatives from the American Academy of Judicial Education, Conference of State Court Administrators, National Association of State Judicial Educators, National Center for State Courts, National Council of Juvenile and

Family Court Judges, National Judicial College, and the State Justice Institute make up the Network.

After a lengthy discussion of the Network and the plan for the judicial education conference in September 1989, the representatives decided to table the plan and to discuss the role, purpose, and future of the Network. The next meeting will be held February 22-24, 1989, in Atlanta, Georgia. ■

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Balance: Lessons for Law and Life
by *Judicial Conference of Indiana*

IN THE MAY ISSUE:

Law As Therapy

Judges in problem-solving courts enjoy the highest levels of job satisfaction on the bench. They work therapeutically – they believe in one’s capacity for change and are privy to the transformation. But you don’t have to be in a problem-solving court to use its techniques.

Count Your Blessings

Gratitude and happiness are inextricably related. Research shows that gratefulness correlates with a higher level of well being, greater creativity, and a sharper intellect. It is a sense of wonder for what we have. So how do we cultivate gratitude in a profession such as ours?

The Ultimate Role Model

This year marks the bicentennial of the birth of Abraham Lincoln – arguably the greatest American president. Perhaps the ultimate role model for our profession, Lincoln’s brilliance, self-control, emotional intelligence, and sense of purpose are an inspiration.

Character Counts

Your character is the common denominator between work and personal life. It is a reflection of who you are. In this diverse collection of essays, 41 accomplished Americans discuss the role of character in community, work, and family life, and lend insight for its preservation.

Stress Free?

Not all stress should be avoided. Let’s face it, you wouldn’t be where you are if you were stress-averse. Yet, stress can be harmful. Learn how to distinguish between negative and positive stress, and how to manage the two to your benefit.

Time Off

Taking significant time off doesn’t have to mean career suicide. Four legal professionals share how getting off the readmill injected new meaning into their personal and professional lives, and gave them a new perspective. And all of them were happy to get back to work.

IN THE JULY ISSUE:

The Art & Responsibility of Judging

Judge James Gray’s book examines the importance of the judicial role, and its potential for positive impact both on and off the bench. Judge Gray also addresses the pros and cons of being a judge; the attributes of good, effective judges; and living a public life.

The Key to Happiness

We’ve been told that happiness lies within. Or not. Apparently, the single biggest determinant of our happiness is the quantity and quality of our relationships. And that may depend on our capacity for trust and even where we live.

Time

Time is arguably our most precious commodity. How we spend it affects our health, our relationships, and our work. Learn to prioritize in a way you will be pleased about in 20 years; the kids will be grown and gone before you know it.

Features

- BLAST FROM THE PAST: Hotels; Nuts, Boats, and Money
- BALANCE: Lessons for Law and Life
- Thiagi Gameletter

The Stress Song

You know the drill: a stressful month followed by another stressful week, and your body tells you it's had enough. The physiological impact of stress is powerful and influential. What if you could reprogram your reaction to stressors – a reset button, so to speak?

Midcareer Malaise

It's an identity crisis of sorts: you're midcareer and wondering whether you're satisfied professionally and if there's time to do something else. And we know that success comes to those who love what they do.

Be Safe

You strive to "...do justice without fear or favor." Yet, there is an inherent risk to being a judge today. Review these ten recommendations for minimizing your profile and upping your security. You are the most important participant in your own welfare.

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May 2009

JUDICIAL CONFERENCE OF INDIANA

Volume 4, Issue 5

The pressures that weigh on the men and women who serve as America's judges come from many directions and in multiple forms. Many judges must make their way through political processes without all the tools available to most political actors. Courts labor under unreasonable case burdens, but are still expected to do their best for litigants and lawyers, virtually at all, with the understanding that they frequently take into their hands matters that affect the deepest interests of real live people.

Because it is in the nature of being a good judge, judges usually mask these burdens and turn a smile face on their daily work. Litigants come to the courtroom expecting a professional capable and alert to do his or her job, and we do not want to make a job

that, however, the judge balances these multiple challenges and those of the judge's own life can sometimes be as important as jurisprudence. This burden seeks to give judges food for thought on such matters. It is hoped that it may assist the thoughtful and oblige it to promote substantial justice.

Randal T. Gregarc
Chief Justice of Indiana

Law As Therapy

Judges in problem-solving courts enjoy the highest levels of job satisfaction on the bench. They work therapeutically – they believe in one's capacity for change and are privy to the transformation. But you don't have to be in a problem-solving court to use its techniques. Please see, "Law As Therapy: What Impact Do Drug Courts Have On Judges? An Interview with Judge Peggy Fulton Hora," by Robert V. Wolf, *Journal of Court Innovation*, Winter 2008, p. 5.

Count Your Blessings

Gratitude and happiness are inextricably related. Research shows that gratefulness correlates with a higher level of well being, greater creativity, and a sharper intellect. It is a sense of wonder for what we have. So how do we cultivate gratitude in a profession such as ours? Please see, "Find Gratitude, Be A Better Lawyer," by Joe Shaub, *The Complete Lawyer*, Vol. 4, No. 3.

<http://www.jci.org/issue45/coverstory.html>

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The Ultimate Role Model

This year marks the bicentennial of the birth of Abraham Lincoln – arguably the greatest American president. Perhaps the ultimate role model for our profession, Lincoln’s brilliance, self-control, emotional intelligence, and sense of purpose are an inspiration. Please see, “The Ultimate Role Model: What Lawyers Can Learn From Lincoln,” by Talmadge Boston, *Texas Bar Journal*, February 2009.

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Character Counts

Your character is the common denominator between work and personal life. It is a reflection of who you are. In this diverse collection of essays, 41 accomplished Americans discuss the role of character in community, work, and family life, and lend insight for its preservation. Please see, “The Power of Character: Prominent Americans Talk About Life, Family, Work, Values, and More” by Wes Hanson; Josephson Institute of Ethics and Unlimited Publishing LLC.

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Stress Free?

Not all stress should be avoided. Let’s face it, you wouldn’t be where you are if you were stress-averse. Yet, stress can be harmful. Learn how to distinguish between negative and positive stress, and how to manage the two to your benefit. Please see, “Stress-Free Living: The End of Life As You Know It,” by Dennis Coyne, *The Complete Lawyer*, Nov. 2008.

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Time Off

Taking significant time off doesn’t have to mean career suicide. Four legal professionals share how getting off the treadmill injected new meaning into their personal and professional lives, and gave them a new perspective. And all of them were happy to get back to work. Please see, “Off Track,” by Leslie A. Gordon, *ABA Journal Law News Now*, Feb. 2009.

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Indiana Judicial Center, Indiana Judicial Conference Committee on Ethics and Professionalism.



July 2009

JUDICIAL CONFERENCE OF INDIANA

Volume 4, Issue 6

With a few exceptions, Benetton's legal confirmation hearings on the President's nomination of Judge Sonia Sotomayor. This will be more than a discussion of all-out trial, but it's someone's talent and experience. The country is about to experience one of those rare moments when there is a prolonged national discussion about who the judges are, how we define our assignment, and what the society expects of us.

While these questions are not typically the topic of everyday conversation among our fellow citizens, they are certainly part of what makes us make the judiciary powerful. With great regard, *Judicial Balance* seeks to raise all of these issues in an accessible and thoughtful way. We hope you will find that we have effectively put you in the middle of these topics.

Randa T. Shapiro,
Chief Justice of Indiana

The Art & Responsibility of Judging

Judge James Gray's book examines the importance of the judicial role, and its potential for positive impact both on and off the bench. Judge Gray also addresses the pros and cons of being a judge; the attributes of good, effective judges; and living a public life. Please see, *Wearing the Robe: The Art and Responsibilities of Judging in Today's Courts*, by Judge James P. Gray. Square One Publishers, 2008.

<http://www.squareonepublishers.com/>

The Stress Song

You know the drill: a stressful month followed by another stressful week, and your body tells you it's had enough. The physiological impact of stress is powerful and influential. What if you could reprogram your reaction to stressors – a reset button, so to speak? Please see, "Change the Channel When Your Heart Sings the Stress Song," by Bruce Wilson, *The Complete Lawyer*, July 2008.

<http://www.complete-lawyer.com/>

The Key to Happiness

We've been told that happiness lies within. Or not. Apparently, the single biggest determinant

Midcareer Malaise

It's an identity crisis of sorts: you're midcareer and wondering whether you're satisfied

of our happiness is the quantity and quality of our relationships. And that may depend on our capacity for trust and even where we live. Please see, "Actually, Happiness Isn't Within," by Eric Weiner, *The Christian Science Monitor*, 2008.

professionally and if there's time to do something else. And we know that success comes to those who love what they do. How do you make sure you're one of them? Please see, "Midcareer Malaise: How To Find A New Path for Your 40s," by Leslie A. Gordon, *ABA Journal*, Sept. 2008.

Time

Time is arguably our most precious commodity. How we spend it affects our health, our relationships, and our work. Learn to prioritize in a way you will be pleased about in 20 years; the kids will be grown and gone before you know it. Please see, "Tell Them to Spend More Time With Their Children," by Jan Aikman Dickson, Judicial Family Institute.

Be Safe

You strive to "...do justice without fear or favor." Yet, there is an inherent risk to being a judge today. Review these ten recommendations for minimizing your profile and upping your security. You are the most important participant in your own welfare. Please see, "Protecting You From the 'Madness in the Shadows': Ten Steps to Making You More Secure," by John F. Muffler, *Case In Point*, National Judicial College.

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Features

Thiagi Game Letter

The **May 2009** issue contains:

- 90 DAYS: THE SEQUEL, a board-and-card game that helps players handle changing situations.
- STRENGTH ENVELOPES, a happiness activity for creating a self-portrait based on other peoples' perceptions.
- An article about blending questions and answers in a training session.
- An interview with Michelle Deck, the designer of the game, THE WEAKEST THINK.
- Mini-reviews of two books on discovering your strengths.
- A 99-word article on perspective by Brian Remer.
- Brian's review of Shaun Tan's intriguing book, The Arrival.
- An article by Brian about one of the most powerful motivators.
- GIVE IT UP by Kate Koski, an activity in which you keeping losing things.
- A short piece on playing with Twitter.
- A single item survey by Tracy Tagliati that invites you to ask questions about questions.

Features

- BLAST FROM THE PAST: Hotels: Nuts, Bolts, and Money
- BALANCE: Lessons for Law and Life
- Thiagi Gameletter

The **June 2009** issue contains:

- UP AND UP, a framegame that accentuates the positive and reduces the negative.
- CIA, a rapid roleplay activity about providing constructive, immediate, and active feedback.
- Mini-reviews of two books that reinforce online tests for finding your strengths.
- An invitation to Thiagi's upcoming workshops in Paris, Johannesburg, and Capetown.
- Brian Remer's 99-word piece on planning to improve your meetings.
- A 99-word article on perspective by Brian Remer.
- Brian's review of Great Meetings!
- Great Results by Dee Kelsey and Pam Plumb.
- Brian's ideas about facilitation and participation.
- A short experiment by Brian to figure out why you have been invited to a meeting.
- A discussion of Twitter and an invitation to follow Thiagi.
- Tracy Tagliati's single item survey about trainers' strengths in tough economic times.

he **July 2009** issue contains:

- A structured sharing activity called REACTION ENVELOPES that encourages participants to take personal responsibility.
- ANGRY CUSTOMERS, a different type of roleplay activity that trains you to keep your cool.
- An article that explores how to blend individual and team scores in training games. '
- A Guest Gamer interview with Greg Koeser who plays with balloons and board games.
- Information about Thiagi's upcoming workshops in France and South Africa.
- Brian Remer's 99-word piece about writer's block.
- Brian's review of CATS!, a book about creativity by Stephen Lundin.
- Brian's ideas on learning more about what you already know.
- Brian's invitation to break your routine.
- Links to Thiagi's videos on rapid instructional design.
- Tracy's single topic survey on collaborative learning projects.

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