

NASJENews Quarterly

Educating the Educator since 1975

NASJENews Quarterly • Summer 2010

Volume 25 • Number 3

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by Carol Paisley

Kentucky is one of few states that offer a novel solution called Felony Mediation to move cases more rapidly through the system and achieve greater access to justice. Judges in several Kentucky jurisdictions have held Felony Mediation Days that allow several felony cases to be mediated over the course of a single day. [more >](#)

- [Armchair Musings on Future Trends in Judicial Education](#)

by Hon. Robert Pirraglia

While I'm not one of those doom-and-gloom prognosticators who often fill the time and space on one cable channel or another, I do agree that the easy affluence that has defined American life and culture since the end of World War II is over. For those of us who serve in government, the judiciary included, it means doing the same or more with the same or less. [more >](#)

- [Cutting Edge: Jiggling Synapses -- Constructing Learning in the Brains of Mature Learners](#)

by Daphne A. Burns

In an article published in the *New York Times* late last year, *Times* health editor Barbara Strauch lamented the "maddening" changes in the middle-aged brain changes that cause her, for instance, to forget entire books, movies, and meals. She says the information is not actually lost but squirreled away in the folds of neurons. [more >](#)

- [Trauma and Delinquency: Ten Critical Points](#)

by Kristine Buffington, MSW, Carly B. Dierkhising, MA, and Shawn C. Marsh, Ph.D.

Juvenile justice courts are tasked with protecting society, safeguarding the youth and families, and holding delinquent youth accountable while supporting their rehabilitation. Juvenile court judges must understand the underlying factors that affect the lives of juveniles and their families. One of the most pervasive of these factors is exposure to trauma. [more >](#)

Features

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

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

- [Thiagi GameLetter](#)

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

- [Blast from the Past: "Judicial Educators: Three Different Worlds"](#)

Twenty years have not changed the fact that no one in our field ever grew up planning to be a judicial educator. We all got here by different paths and we bring with us our own perspective, strengths, weaknesses, and approaches. [more >](#)

Manager's Briefcase

- [Research Brief: Kentucky Circuit Court Judicial Perceptions of Efficiency and Culture](#)

by Julia Hylton Adams, JD, Deborah Williamson, PhD, and Adam K. Matz, MS

Like many court systems across the states, the Kentucky Court of Justice (KCOJ) has faced continued financial hardship amidst the economic downturn of the last several years. In the past two years the KCOJ, a unified court system, has relinquished over 100 positions as a direct result of budget cuts. [more >](#)

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News

SJI News

The July 2010 edition of the [E-SJI News](#) is now available on the SJI website.

Key highlights include:

1. Board Awards Grants for the 3rd Quarter
2. Senate Confirms New Board Members
3. Status of FY 2011 Appropriations
4. SJI Scholarship Program

SPECIAL ANNOUNCEMENTS

SJI has recently posted a job announcement on the SJI website for a Program Analyst. Those interested are encouraged to apply via email to jobs@sjj.gov

Next grant application deadline: August 1, 2010 (4th Quarter FY 2010)

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SJI News Releases

September

[SJI Board Awards Grants for the Fourth Quarter of FY 2012](#)

[Status of FY 2013 Appropriations and Court Security Legislation](#)

[New Resource Available on the National Symposium on Court Management](#)

August

[SJI Receives 4th Quarter FY 2012 Grant Applications](#)

[Federal Deferred Immigration Action for Childhood Arrivals may Impact State Courts](#)

[Arkansas Judiciary Provides Critical Court Security Training](#)

June

[SJI Board Awards Third Quarter FY 2012 Grants](#)

[Update on Immigration Issues and the State Courts](#)

[National Judicial College Releases Free Web Course for New Judges](#)

May

[President Nominates New Member to The SJI Board of Directors](#)

[SJI Receives FY 2012 3rd Quarter Grant Applications](#)

[Wisconsin Justice Initiative Identifies Promising Sentencing Alternatives](#)

[New Mexico Releases Online Court Officer Basic Training Program](#)

[Mahoning County, Ohio Completes Study of Court Consolidation](#)

April

[SJI Board Awards FY 2012 Second Quarter Grants](#)

[SJI Board Awards Strategic Initiative Grants on Self-Represented Litigation and the State Courts](#)

[Status of FY 2013 Appropriations](#)

[Final Phase of Campaign to Ensure Racial and Ethnic Fairness Provides Valuable Court Resources](#)

March

[Update on SJI Grant Programs for FY 2012: Priority Investment Areas](#)

[Update on the State Supreme Court Initiative \(SSCI\)](#)

[SJI Grant Reports Available Online](#)

[Intimate Partner Sexual Abuse Course Offers New Tribal Practice Section](#)

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Fax: 571-313-1173

Resources

- [American Bar Association Judicial Division](#)
- [American Judicature Society](#)
- [Center for Court Innovation](#)
- [Center for Effective Public Policy](#)
- [Center for Sex Offender Management](#)
- [Collaborative Justice](#)
- [Federal Judicial Center](#)
- [Justice Management Institute](#)
- [Legal Services Corporation](#)
- [National Center for State Courts](#)

View more articles in our [news archive](#)

E-SJI News

SJI publishes an electronic newsletter monthly that highlights key events or issues. Get the latest issue of [E-SJI News](#) now, or sign up to [subscribe](#) to the E-SJI News delivered to your e-mailbox.

E-SJI News Archive

Most of our publications are in Adobe's Portable Document Format [PDF]. In order to view or print these documents, you will need to install the free program Acrobat Reader.

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- [National Judicial College](#)
- [Our Courts](#)
- [Self-Help Practitioners Support Site](#)
- [United States Department of Justice](#)
- [CourTools](#)
- [Judicial Education Reference, Information and Technical Transfer Project \(JERITT\)](#)

Public Law

- [State Justice Authorization Act of 1984 \(42 U.S.C. 10701 et seq.\)](#)
- [State Justice Reauthorization Act of 2004 \(P.L. 108-372\)](#)
- **FY 2013 Budget Request to Congress**
- [FY 2013 Budget Request \[PDF\]](#)

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Select Grant Reports

[Courts and the Media: Initiating and Maintaining a Constructive Dialogue](#)

[Federal Immigration Policy and the State Courts](#)

[Strategic Planning Process in Two Michigan Courts \(Court Manager Vol. 23/issue 2\)](#)

[Immigration Issues in the Minnesota Courts: Annual Judges Conference Summary](#)

[Georgia Handbook for Guardians & Conservators of Adults](#)

[Imperial County \(CA\) Borderland Justice Field Guide](#)

[DOJ/BJA Report: Challenges and Solutions to Implementing Problem Solving Courts](#)

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News

Longtime Indiana Judicial Center Education Director Retires



Cathy Springer

Indiana Judicial Center Education Director Cathy Springer will retire on April 30, 2010. During her 30-year career, Ms. Springer has been responsible for developing and implementing comprehensive judicial and employee education for the Indiana Judicial Branch. Chief Justice Randall T. Shepard announced Springer's retirement saying, "Cathy has served as the teacher to hundreds of Indiana judges. Her remarkable commitment to the finest possible educational programming has meant that the millions of Indiana citizens who come to court have received better justice."

Ms. Springer said, "I have truly enjoyed working in this field – it has been a career of a lifetime. I sincerely appreciate all of the support and the life lessons I have learned over the years and the valuable friendships I have made."

Her career has made an impact beyond Indiana's borders. In 2005, Ms. Springer served as faculty at the Leadership Institute in Judicial Education at the University of Memphis, assisting in a program that focused on experiential learning, adult education principles, lifespan development, intellectual and ethical development, and personal development as a means for change. Indiana Judicial Center Executive Director Jane Seigel commented on the importance of Springer's role, "We're very proud that Cathy was recognized in this way and was able to serve in such an important capacity. She has done such a great job for the judicial branch in Indiana, but she's also valued nationally!"

Ms. Springer has served on the advisory board of both the Leadership Institute and the Institute for Faculty Excellence in Judicial Education. She is a member of the National Association of State Judicial Educators (NASJE) and was involved in NASJE's Standards Committee project. The project resulted in publication of the "Principles and Standards of Judicial Branch Education," a document guiding judicial curriculum development and educational policy. Ms. Springer has served as NASJE's Midwest Regional Director and Treasurer. She is currently on the Board of Directors of the Indianapolis Art Center and chairs its Endowment Committee. She received her B.A. in Psychology from Butler University and her M.S. in Adult Education from Indiana University.

Upon retirement, Ms. Springer is looking forward to spending more time with family and friends, traveling with her husband Rick and consulting in the adult education field. The Indiana Judicial Center has launched a search for Springer's successor.

The Indiana Judicial Center serves as the state's judicial research and continuing judicial education agency. It develops and sponsors continuing education programming for judges, probation officers, and other court personnel. The Center works to enhance the performance of the judicial system as a whole by continuously improving the professional competence of judicial branch employees.

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Transitions

Please join us in welcoming the following new NASJE members:

- **Ms. Claudia Jeanne Bayliff**, Project Attorney, National Judicial Education Program, Legal Momentum, Falls Church, VA
- **Ms. D. Joan Bishop**, Director of Judicial Education, New Hampshire Supreme Court, Concord, NH
- **Mr. David Hodges**, Judicial Program Consultant, Texas Association of Counties, Austin, TX
- **Ms. Jennifer Juhler**, Director of Education and Training, State Court Administrator's Office, Des Moines, IA
- **Mr. Peter M. Koelling**, Director, Chief Counsel Justice Center, American Bar Association, Chicago, IL
- **Mr. Russell W. Mathieson**, Education Specialist I, Judicial Council of California, AOC, Education Division, San Francisco, CA
- **Lynn Hecht Schafran Esq.**, Director, National Judicial Education Program, Legal Momentum, New York, NY
- **Mr. Jeffrey Schrade**, Education Services Division Director, Arizona Supreme Court, Administrative Office of the Courts, Phoenix, AZ
- **Mr. David Slayton**, Director of Court Administration, Lubbock County District Courts & County Courts at Law, Lubbock, TX

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News

Traffic Injury Research Foundation Update

The 7th Annual Meeting of the Working Group on DWI System Improvements was hosted by the Traffic Injury Research Foundation in Ottawa, Ontario, Canada, May 16 to 18, 2010.

The purpose of the meeting was to develop a complete and balanced understanding about available strategies, programs, and interventions for drunk drivers and the system in which they are delivered.

The objective of the meeting was to gather the most relevant, instructive, compelling information about proven strategies, programs, and interventions that includes findings from the research, implementation strategies and operational practices, needed resources and barriers to use.

The proceedings from the meeting should be available later in 2010.

Presentations

- Effective Social Marketing Messaging ([PPT](#))
- Countermeasures for Impaired Driving Offenders ([PPT](#))
- Assessment & Treatment ([DOC](#))
- Alcohol Interlocks & Continuous Alcohol Monitoring ([PPT](#))
- Sobriety Checkpoint Operations ([PPT](#))
- Traffic Safety Resource Prosecutor ([PPT](#))
- Coordinating Data Collection with Crash and Driver Licensing ([PPT](#))

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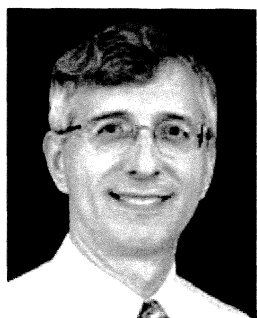
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News

From the Editor



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:

Daphne Burns, Lowell Castleton, Steve Circeo, Jo Deyo, Michael Roosevelt, Kelly Tait, Deborah Williamson, Shawn Marsh.

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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News

Celebrate 35 Years!

by Christy Tull



Christy Tull

It is 1975. Gasoline is 44 cents. Bill Gates and Paul Allen create the company Microsoft. The Vietnam War finally ends. Unemployment and inflation rate in the USA are both 9.2%. Motorola obtains a patent for the first portable mobile phone. Saturday Night Live debuts on NBC. The films Jaws and One Flew over the Cuckoo's Nest are popular.

And six state judicial educators meet and form an association. From that humble beginning, our organization today is composed of over 160 members from several national organizations, 45 states and 7 countries other than the USA. This vibrant association—the National Association of State Judicial Educators—now teems with many talented individuals who provide needed judicial branch education, working on behalf of thousands of courts to equip and enhance the justice system.

For the past year, it has been my sincere privilege and humble honor to serve as NASJE's president and work alongside each of you. Together we have expanded services to our members and advanced the work of our profession in ways that none of us could do alone. The following are just a few of the initiatives that became reality this year:

- "Virtual" conferences for our members on defining the impact of judicial branch education, tips for online web conferencing & other techie tips, and learning activities live and online. If you missed these, go to [the webex site](#) and [View the Elluminate Live!](#) recording to view recordings of these sessions. (If you are asked for a password to view the webcast, it is "nasje". Don't forget to turn up your computer speakers.) To see the notes from Benefits of Judicial Branch Education Virtual Conference on May 4, 2010, click here: [PDF](#).
- Curriculum for judicial branch educators that will give us fantastic tools to do our jobs better (e.g., course planning tools, faculty development agenda & resources, leadership skills)! Thanks to the State Justice Institute grant.
- Electronic resources, heretofore not available, such as JERITT monographs online regarding the how-tos of effective needs assessment and evaluation. Under development is a "Members Only" link to provide many special services including a clearinghouse of easily accessible information.

Our relationship and presence with our national partners has remained strong. We all share the belief that it is important for associations connected to the court community to work together to improve our judicial system. Notably, activities are in the works to plan what is sure to be a successful joint conference with the National Association of Court Management (NACM) for July 10-13, 2011. NASJE and the National Center for State Courts (NCSC) are continuing our agreement to advance international work. And the National Judicial College has supported several NASJE web conferences and electronic communications.

As my presidency comes to an end, I appreciate the time to reflect on this busy year and opportunity to thank the many individuals that made it rewarding. First and foremost, allow me a personal thank you to Ohio's state judicial education director, Milt Nuzum. His support and passion for our work inspires me. And, my thanks to the Board of Directors, Committee Chairs and members, Past Presidents Council, and all of you have contributed tirelessly and generously to the success of our organization this year, during our past, and into NASJE's bright future. Please join me as we celebrate!

See you in San Antonio, Texas for the 35th year celebration! August 8-11, 2010

Warm regards,

M. Christy Tull, NASJE President

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Southeast Regional News

by **Marty Sullivan**

Dear Southeast Region Members,

One last newsletter before the Annual Meeting in San Antonio, August 8-11, 2010! I just wanted to take the opportunity to thank everyone who offered assistance and encouragement to me during my time as Regional Director. We have a great group of people in the Southeast and I'm excited to see what's next for NASJE. I won't be running again and hope the next Director enjoys their work as much as I have.

I feel like we've accomplished a lot in the way of networking opportunities and more dialogue among the region. I think the Mid-Year Meeting was successful and everyone who attended had a great time. I would encourage the Region to consider doing it every year, especially since the Annual Meeting is not a possibility for all NASJE members. I hope it's something we will do again in the future.

This newsletter, if invested in, could really become an excellent source for speaker/program sharing. Given our geographic proximity, it makes economic sense to pool resources and learn about what's going on in "your own backyard." I hope that the newsletter or something like it is continued.

I will continue to actively participate in NASJE and look forward to serving again

in some formal capacity soon. I hope this message finds you all well and I can't wait to see everyone in Texas! As always, please feel free to give me a call or send me an email if I can ever be of service.

Sincerely,

Marty Sullivan, Southeast Regional Director

marty.sullivan@arkansas.gov

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NASJENews Quarterly

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Resources

Cutting Edge: Felonious Funk and the Solution

by Carol Paisley

The problem

In Kentucky, felony cases pile up, the budget's a mess, judges and the community are dissatisfied with the traditional retributive correctional system, jails are overcrowded and suck valuable resources from the courts, and district attorneys and public defender are offices charged with moving cases through the system. This makes Kentucky a lot like other states in 2010. In Kentucky we refer to this predicament as "felonious funk" -- an anxious depression over less access to justice when the quest is for more. It is not unusual to be one of a hundred cases on a motion day when prosecutors and defense attorneys have all of a couple minutes per case to negotiate plea agreements. Then if a case goes to trial, it is not unusual to get a trial date a year or more out and also learn that your case is just one of three or four on the docket for that day.

The solution

Kentucky is one of few states that offer a novel solution called Felony Mediation to move cases more rapidly through the system and achieve greater access to justice. Judges in several Kentucky jurisdictions have held Felony Mediation Days that allow several felony cases to be mediated over the course of a single day. In one county, for example, three mediators disposed of eighteen cases in one day, settling all but one of them. In another jurisdiction the wait for a trial date has been reduced from nine months to two as a result of the Felony Mediation Program offered by the Administrative Office of the Courts.

Who are the mediators?

Kentucky's Senior Status Judge Program deserves much of the credit for the success of this program. It is designed to provide an efficient and effective method for the temporary assignment of Senior Judges to jurisdictions in which the sitting judge is unavailable or has calendar congestion or other workload issues. These are seasoned judges who have had prior criminal prosecution or defense experience who are also trained mediators. Rather than presiding over a single trial for a day or more, the judge/mediator can mediate up to four cases a day. With an 80% average settlement rate, there is an excellent chance that three of the four will settle. Those that do not are set for trial and many of these resolve before then because of the mediation.

Like civil mediation, Felony Mediation is based upon fundamental principles, most notably that of party self-determination, impartiality, confidentiality, and an opportunity to be heard. Prosecutors have stated that felony mediation provides greater access to and enhances justice. Defense attorneys have remarked that the process allows everyone to be involved in the process, including victims. As opposed to the traditional criminal court system that treats crime as an offence against the state and in which victims and defendants have little or no voice in the matter, mediation allows everyone an opportunity to be heard by a judge/mediator who does not judge them, who does not make decisions for them, but who helps them examine the strengths and weaknesses of their case so they can make the best decisions possible.

History

Felony Mediation started in Boone County Kentucky in 2004 when then newly appointed Judge Anthony Frohlich inherited over twice the average number of case filings from the outgoing judge. This included 780 felonies at a time when the average number per judge was 312. Desperate times call for desperate measures, so Judge Frohlich experimented. He'd already requested a Civil Settlement Week from the Administrative Office of the Courts. Settlement Week is a mediation blitz in which several cases are mediated by volunteers from the local bar association. Judge Frohlich reserved one of the five days for felony cases and asked three retired jurists he knew were experienced mediators to handle sixteen felony cases. To everyone's delight, all settled. Over the next three years he held modified versions of felony mediation—one was for all Spanish speaking defendants, another focused on sexual crimes – and reported his successes to the AOC. By the end of 2007 the AOC had trained several more senior status judges and began setting up the statewide Felony Mediation Program that has received national attention for its effectiveness. In the two years from March 2008 to March 2010, a total of 456 felonies were mediated, 365 of which settled for an 80% overall settlement rate.

How is felony mediation different from traditional plea bargaining?

- Victims may participate
- More information available
- Focus on one case at a time
- Second opinion from a judge
- Restorative instead of retributive justice

Types of cases mediated

- Arson
- Assault
- Criminal Abuse
- Engaging in Organized Crime
- Fraud
- Forgery
- Kidnapping
- Manslaughter
- Manufacturing Methamphetamines
- Rape
- Sexual Abuse
- Theft by unlawful taking
- Trafficking
- Wanton Endangerment

For more information about the Felony Mediation Program please contact Carol Paisley at carolpaisley@kycourts.net, 502-573-2350, ext. 50713. Also [view our video](#).



Carol Paisley is the Coordinator of the Mediation Office for Kentucky's Administrative Office of the Courts. The Office promotes Kentucky's Court of Justice Mediation

Guidelines and maintains a Roster of Court Approved Mediators. It also operates the Felony Mediation Program using senior judge/mediators. Paisley has trained hundreds of mediators, mostly in Kentucky, and has acquired hundreds of hours of mediation training at such notable venues as Harvard Law School and CDR Associates in Boulder, CO. Prior to her current position, Ms. Paisley ran the Mediation Center of Kentucky, practiced domestic relations law, and served as law clerk to the late Justice William M. Gant of the Supreme Court of Kentucky. Ms. Paisley received her B.A., M.S., and J.D. degrees from the University of Kentucky. She is a member of the Kentucky Bar Association, and a founding member and past Chair of the Alternative Dispute Resolution Section of the KBA.

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Armchair Musings on Future Trends in Judicial Education

by Hon. Robert Pirraglia

Summer is my favorite time of year. Besides trips to the beach, picnics in the park, backyard barbecues and all the other outdoor activities with family and friends that is part of summer's special magic, it also is the time of year when a person can kick back for a time and think about nothing or, alternatively, think deeply and long about the busy year gone by and about what comes next.

For better or worse, I'm one of those people who can't shut down completely and, while recently sitting in a padded armchair under the maple tree in my back yard, a number of thoughts came to me as I reflected on my long career as a lawyer and a judge that I thought you might want to muse about when you finally get around to taking the time off from work and the cares of daily life that's the best part of the summer season.

MORE WITH LESS, SMARTER NOT HARDER

While I'm not one of those doom-and-gloom prognosticators who often fill the time and space on one cable channel or another, I do agree that the easy affluence that has defined American life and culture since the end of World War II is over.

For those of us who serve in government, the judiciary included, it means doing the same or more with the same or less. It means working smarter and not just harder and it calls for the kind of person as judge who can adapt quickly and well to change, while at the same time keeping true to the fundamental values that makes our nation's legal system the model for the rest of the world.

In this kind of court system, versatility, creativity, and innovation will become as much a feature of judicial branch practice as stability, continuity, and custom.

Multitasking on the part of all judicial employees, judges included, will become the operative norm and not the rare exception, flexibility and adaptability the stepping stones to career development and advancement.

The team approach and group productivity will replace the current system, which evaluates employee worth on individual performance. This will require each judicial employee to work in harmony with his or her co-worker, with success of effort measured by group results.

Technology will increasingly be the tool used to increase productivity and to free up staff time and energies to do the things only people can do for those who use the courts.

Transitioning to this kind of court system, while essential, won't come easy for many of us, given our history and traditional value system that rewards individual initiative and effort. The very difficult challenge judicial branch leaders will face is devising ways to effect such required changes without undermining staff morale, discipline, and output.

THE CHALLENGE OF DIVERSITY IN A GLOBAL ENVIRONMENT

Like it or not (and I like it), the face of American society is changing again. I say again because America's population and the kinds of people who make it up have never been homogeneous. From

the time of colonial settlement four centuries ago to the present, this nation has enjoyed wave after wave of immigrants of different ethnic, racial and religious backgrounds. And with each influx, the concern of those who emigrated earlier as to the impact of the newcomers on America's traditional values, culture and society has produced discussion and debate, as it has now.

Aacerbating these concerns and worries is the simultaneous and to some disturbing growth and acceleration in the global environment we all now find ourselves in. Tens of millions of people yearly are moving from one nation to the next to find work, advance careers, and enjoy safety and security. Economies, financial systems, and communications, already co-dependent, trend toward merger and assimilation.

It is thus natural for many of our fellow countrymen to ask how all this will affect American life and the value system that has been the engine for national progress and development since the landing of the first settlers in Jamestown and Plymouth at the very beginning of our country's history.

I, for one, am unconcerned about these changes or their impact because I believe that of all the nation's in the world, our country is the one country that is better equipped to deal with such change and the changing look of America than any other nation in the world because our unity and our society, unlike any other in the world, have never depended upon "sameness" in ethnicity, race or religion to establish community order and harmony. Instead, we are bound together by a singular belief in the worth of the individual that is expressed in our fierce and historic defense of freedom and equality under law throughout the centuries. As the guardians and protectors of such a system, judges have played and will play an increasingly important role in this period of momentous change and rededication and each judge must be ready to do what is required in this regard.

JUDICIAL OUTREACH AND COMMUNICATION

This last thought leads to one final one: never more than at present is it as vital for judges to reach out to the people they serve and to communicate with them about the importance of law and our constitutional system.

Family, religion, work, and society itself has changed so much in the last several decades that they no longer provide the connections among and between our people that they once did. The only constant is and will remain the law, constitution, and judges as the indispensable agents who make our system work. They will remain the critical bridges that connect together an otherwise divided and disparate people, the glue that binds Americans together as a community, a society and a nation. Outreach and communication is seen as so important a function of the 21st century judge that it is repeatedly mentioned as part of the role of the modern judge in the Model Code adopted by the ABA House of Delegates in 2007 and by those states who have since adopted it.

Judge Robert K. Pirraglia has been a judge for the Rhode Island District Court since 1984. Judge Pirraglia has written articles on the role of the judge and court and media relations, has planned and implemented three Presidential Showcase programs at ABA Annual Meetings dealing with the relationship between the courts, the community and the media, and has taught nationwide on "The Role of the Judge," court/media relations, judicial outreach, evidence, criminal procedure, and judicial independence. He has taught for the ABA, the AJA, the National Center for State Courts, the National Judicial College, and for thirty state judiciaries. He also hosts a weekly cable television program called "The Judges' Roundtable."

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NASJENews Quarterly

Educating the Educator since 1975

Resources

Cutting Edge: Jiggling Synapses -- Constructing Learning in the Brains of Mature Learners

by Daphne A. Burns

In an article published in the *New York Times* late last year, *Times* health editor Barbara Strauch lamented the "maddening" changes in the middle-aged brain changes that cause her, for instance, to forget entire books, movies, and meals.... She says the information is not actually lost but squirreled away in the folds of neurons. The neural connections – which receive, process, and transmit information – can weaken with disuse or age. That is partly because we tend to use the same "well-trodden" neurological paths again and again, leaving that copy of Plato's *Republic* in the neurological stacks. From an individual's perspective, the solution is to find "ways to keep brain connections in good condition and to grow more of them." We do that by exercising and engaging in activities that stimulate the brain ... like education.

As an adult educator, this raises the question of whether we are applying a one-size-fits-all approach to adult learners and, if so, whether we should change that approach. Adult learners are generally considered those 25 and older. Researchers found that fluid intelligence – which involves the capacity to think, act quickly, and encode short-term memories – peaks in early adulthood, declines gradually until about 70, and then declines more rapidly. (Horn & Catell, 1967.) Crystallized intelligence, on the other hand, continues to grow throughout adulthood. It involves the use of general knowledge, vocabulary, and skills in a more thoughtful way involving more time than fluid intelligence. (Horn & Catell, 1967.) Malcom Knowles' theory of andragogy appears to draw, in large part, on the crystallized intelligence of adult learners as it suggests, among other things, that adults need to learn experientially, and approach learning as problem-solving.

However, the research into the neuroscience of learning suggests we should also educate adult learners in such a way as to avoid just using or layering on these well-trodden neurological paths. How do we do this? Jiggle their synapses, the experts say. According to Dr. Kathleen Taylor, a professor of education at Saint Mary's College of California, adult educators should create a learning environment where mature learners revisit their long-held beliefs and the bases for the beliefs, as opposed to just layering additional information onto the beliefs.

From a practical standpoint, Taylor suggests we do this by avoiding the "Big Picture" introduction to a course or topic. Instead, she suggests such strategies as having adult learners articulate – preferably in writing – what knowledge, experience, and opinions they have relative to the topic before beginning the course or subject. For example, if the subject is sentencing sex offenders, the judicial educator may begin by asking the learners to recommend a sentence under a factual scenario and give their reasons for the sentence. They will likely offer different views.

Next, Taylor suggests, the educator should then start a dialog to engage each of the judges in describing his or her perspective to a judge who has a different perspective. These disconfirming actions enable the adult learner to pry open the neural connections. Taylor then proposes the use of active facilitation to engage the learners in a discovery of the bases for their beliefs or perspectives. Once the adult learner is engaged as such, and has reflected on his/her understanding – once the

pertinent synapses are jiggled – the adult learner is primed to further the learning process. The educator can then tailor his or her presentation to the actual experiences of the adult learners, creating a more productive learning environment.

This approach enables transformational learning and leads the learner back to the neurological stacks – where, who knows – she may find that old copy of the *Republic*.

Daphne A. Burns is a program attorney at the National Judicial College and a member of the NASJE Newsletter and Education committees.

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Trauma and Delinquency: Ten Critical Points

by Kristine Buffington, MSW, Carly B. Dierkhising, MA, and Shawn C. Marsh, Ph.D.

Juvenile justice courts are tasked with protecting society, safeguarding the youth and families that come to its attention, and holding delinquent youth accountable while supporting their rehabilitation. In order to meet these sometimes contradictory goals, juvenile court judges must understand the constellation of underlying factors that often affect the lives of system-involved juveniles and their families. One of the most pervasive of these factors is exposure to trauma. To be most effective in achieving its mission, the juvenile court must both understand the role of traumatic exposure in the lives of children and engage resources and interventions that address child traumatic stress. Accordingly, we present ten critical points about trauma that judges should be familiar with in order to best assist traumatized youth who enter the juvenile justice system.

1. A traumatic experience is an event that threatens someone's life, safety, or well-being.

Traumatic events can include being the victim of or witnessing emotional, physical, and sexual abuse; neglect; physical assaults; family, school, or community violence; war; racism; bullying; acts of terrorism; fires; serious accidents; serious injuries; intrusive or painful medical procedures; loss of loved ones; abandonment; and separation. A key condition that makes these events traumatic is that they can overwhelm a person's capacity to cope, and elicit intense feelings such as fear, helplessness, and despair.

2. Child traumatic stress can lead to Post Traumatic Stress Disorder (PTSD).

Criteria for a diagnosis of PTSD include having been exposed to a threatening event, experiencing an overwhelming emotional reaction, and developing symptoms causing severe distress and interference with daily life. Further, individuals also must experience a sufficient number of the following three symptoms for more than one month: *avoidance* (i.e., avoiding reminders of the trauma), *hyperarousal* (i.e., being emotionally or behaviorally agitated), and *re-experiencing* (e.g., nightmares or intrusive memories).

3. Trauma impacts a child's development and health throughout his or her life span.

The experience of either acute trauma (single event of limited duration) or chronic trauma (multiple events over time) has the potential to impact children in all areas of their social, cognitive, and emotional development throughout their lives. Youth who experience traumatic events may struggle with problems such as mental and physical health issues, difficulties learning, and challenges maintaining healthy relationships. Research also suggests that the impact of trauma can persist into adulthood and can increase risk of serious diseases, health problems, and early mortality.

4. Complex trauma is associated with risk of delinquency.

The effect of trauma is cumulative: the greater the number of traumatic events that a child experiences, the greater the risks to a child's development and his or her emotional and physical health. Youth who have experienced complex trauma have experienced a series of traumatic events that include interpersonal abuse and violence, often perpetrated by those who are meant to protect them. This level of traumatic exposure can contribute to a deep distrust of and disregard for adults and rules set by adults, which places youth at a much greater risk for delinquency and other

inappropriate behaviors.

5. Traumatic exposure, delinquency, and school failure are related.

Truancy and academic failure are factors that increase the risk of delinquency. Success in school requires confidence and focus, the ability to regulate emotions and behaviors, and the skills to understand and negotiate social relationships. When youth live in unpredictable and dangerous environments they often operate in a state of hypervigilance. Attitudes and behaviors associated with hypervigilance (e.g., abnormal arousal, constantly assessing for threats, etc.) fundamentally conflict with the skills and focus needed to succeed in school academically, socially, and behaviorally.

6. Trauma assessments can reduce misdiagnosis, promote positive outcomes, and maximize resources.

Often youth who are exposed to chronic or complex trauma receive a diagnosis of Attention Deficit Disorder, Oppositional Defiant Disorder, Conduct Disorder, or other mental health disorders. These diagnoses are predominantly based on observable behaviors and symptoms. When there is a lack of thorough assessment, youth are provided treatment based on these behavioral diagnoses, without addressing the traumatic experiences that are contributing to the symptoms. In order to avoid this disconnect, trauma screenings and standardized assessments should be implemented early and often.

7. There are mental health treatments that are effective in helping youth who are experiencing child traumatic stress.

Evidence-based practices (EBPs) are practices that have been evaluated through rigorous scientific studies and have been found to be effective. Referrals for treatment must be made to service providers that use trauma-focused EBPs, so that youth may receive both the best care and the most positive outcomes. The Centers for Disease Control indicates that the most highly effective treatments for traumatic stress are cognitive behavioral treatment models. [Please visit www.nctsnet.org for more information on evidence-based treatments.]

8. There is a compelling need for effective family involvement.

Youth who are at higher risk of violence and prolonged system involvement are those who do not have helpful and consistent family support. If juvenile courts are to enhance their success in rehabilitating youth who commit delinquent acts, they should work to develop meaningful involvement of biological parents, extended family members, kinship caregivers, adoptive families, foster parents, and others – and educating them about traumatic stress and effective treatments.

9. Youth are resilient.

Resiliency is the capacity for human beings to thrive in the face of adversity – such as traumatic experiences. Most practitioners approach enhancing resiliency by seeking both to reduce risk factors and increase protective factors in the lives of the youth and families with whom they work. Some of the ways youth resiliency can be enhanced include: proactive efforts to protect them from further trauma, expanding their support systems, providing them with positive adult role models, and finding ways to successfully engage their talents to enhance development of self-efficacy. [Please visit www.search-institute.org for more information on developmental assets.]

10. Next steps: The juvenile justice system needs to be trauma-informed at all levels.

Trauma-informed systems of care understand the impact of traumatic stress both on youth and families, and provide resources that prevent, address, and ameliorate the impact of trauma. A trauma-informed juvenile justice system makes system-level changes to improve a youth's feelings of safety, reduce youth's exposure to traumatic reminders, and helps equip youth with supports and tools to cope with traumatic stress reactions (e.g., by providing safety, trauma-informed assessments, and referral to evidence-based treatments).

The majority of youth in the juvenile justice system have experienced traumatic events; the juvenile court is disadvantaged if this fact is overlooked. Juvenile justice courts can benefit from understanding trauma, its impact on youth, and its relationship to delinquency. By becoming trauma-informed, juvenile justice personnel aid the juvenile court in its mission of protecting and rehabilitating traumatized youth while holding them responsible for their actions. Rehabilitation resources also can be maximized by utilizing effective assessment and treatment strategies that reduce the impact of childhood trauma. Ultimately, such efforts will help promote improved outcomes for youth, families, and communities most in need of our help.

Resources

For details about the resources used to develop this article, or for more information about trauma, delinquency, or other issues of interest to juvenile and family courts, please contact the National Child Traumatic Stress Network (NCTSN) at info@nctsn.org or the NCJFCJ at jflinfo@ncjfcj.org.

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NOTE: This article is based on Buffington, K., Dierkhising, C. B., & Marsh, S. C. (2010). *Ten things every juvenile court judge should know about trauma and delinquency*. Reno, NV: National Council of Juvenile and Family Court Judges.

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Features

Judicial Balance - Lessons for Law and Life

A publication of the Judicial Conference of Indiana, *Judicial Balance* includes stories and insights.

Please visit <http://www.in.gov/judiciary/balance/> for all the latest and archived issues of *Judicial Balance*.

The May 2010 issue contains the following articles:

- A Happy Balance
- Law Lit: From Atticus Finch to The Practice
- The Wilds of the Web
- "Thinkaholic"?
- The Happiness Project
- Cameras: Has the Time Come?

The July 2010 issue contains the following articles:

- Your Mental Health: Damages and Remedies
- Holistic Living
- Friendship Has Its Limits
- A Child's Perspective
- What I Know Now
- Law on Television

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Features

Thiagi Game Letter

The May 2010 issue contains:

- An article on how to handle emotions during facilitation and debriefing.
- A guest-gamer interview with Wendy Wong from Singapore.
- A jolt called WORKERS AND WATCHERS that demonstrates the power of debriefing.
- A simulation game by Dimis Michaelides on how to be an innovation leader.
- Brian Remer—and Fran Kick—on motivation, featuring Dan Pink's latest book.
- An invitation to a monthly webinar series with Thiagi and Tracy.
- Links to Matt's podcast interviews with Thiagi (on instructional magic) and Tad Henderson (on financial acumen).

The June 2010 issue contains:

- An interview with Richard Powers, who has some practical advice to gamers.
- STRESS BALLS, a game by Gareth Kingston about keeping several balls in the air.
- A training activity with a magic trick that demonstrates the limitations of observation as a data-collection technique.
- A new type of puzzle that can be used to review training content.
- Brian Remer's quick takes on the need to talk, discoveries about talking pictures, ideas about visualizing learning, and an activity about picturing leadership.
- More details about our Chicago Workshops and certification. Tracy's single topic survey on mobile learning.
- A link to the free Bend Your Brain webinar with Tracy and Thiagi.
- This month's webinar is about the power of Jolts.
- New Podcast Episodes by Matthew Richter.
- Thiagi talks about an interesting approach to eLearning and Phil Reynolds talks about leadership.

The July 2010 issue contains:

- A jolt called PATTERN RECOGNITION that warns us about the futility of trying to outguess randomness.
- THE CREATIVITY DIE, an activity that can be used for problem solving and decision-making.

- Articles by Brian Remer dealing with the topic of trust.
- Tracy's single topic survey on friendship in the workplace.
- The results of Tracy's single topic survey about learning on the go.
- A link to July's free Bend Your Brain webinar with Tracy and Thiagi on rapid instructional design.
- A two-part podcast hosted by my friend and colleague Matt Richter featuring a dialogue between Guy Wallace and me about alternative approaches to training design.
- An invitation to participate in our newly-launched Ning community forum for readers of TGL.

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