

**Judicial Education  
Needs Assessment  
and  
Program Evaluation**

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## PREFACE

The orientation throughout this JERITT monograph is to treat needs assessment and evaluation in an interrelated format. In selecting from the breadth of material available on needs assessment and evaluation, we have been guided by the desire to discuss formats which are relatively compatible for doing both; that is, we selected formats that would produce complementary needs assessment and evaluative information.

And we focus on those approaches that seem most compatible with the realities faced by continuing judicial education organizations. Among the more important of these realities is that needs assessment and program evaluation need to be undertaken in a cost conscious way, recognizing that there must be balance in how scarce resources are allocated between actually providing a program and the assessment and evaluation of it. Therefore, this monograph is *not* a general survey or compendium of all alternative approaches to or features of needs assessment or evaluation as found in the literature. A bibliography at the end of the monograph provides the interested reader with sources for pursuing these topics further.

For the new judicial educator, especially one without previous experience in adult continuing education, having to confront the processes of needs assessment, program planning and program evaluation can be daunting. We believe, however, that most of the ideas presented in this monograph are relatively straight forward and should not pose inordinate difficulty. For the experienced judicial educator, we hope that this monograph provides a few new ideas, and perhaps some reminders that will serve to freshen the approach and commitment to needs assessment and program evaluation.

The approaches and example provided in this monograph are based on the author's experiences over the last 15 years in advising and implementing needs assessment and evaluation strategies in judicial education organizations throughout the country. The results of specific associations with several state and national judicial education organizations are represented in these materials, including especially procedures and materials developed for use in Michigan and Illinois and for the Institute for Court Management of the National Center for State Courts.



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## **Chapter 1**

### **A Context for Needs Assessment and Evaluation**

The recently completed "Principles and Standards of Continuing Judicial Education" produced by the National Association of State Judicial Educators (NASJE) states that the goal of continuing judicial education is

to maintain and improve the professional competency of all persons performing judicial functions, thereby enhancing the performance of the judicial system as a whole.

Enhancing professional competency and system performance through education requires both knowledge and commitment. It requires knowledge of the substance and work of the judicial system; it requires an understanding of the principles of adult learning and an effective translation of those principles to continuing judicial education settings. Success also depends on whether the judicial profession is receptive to educational programming, particularly whether it will support and participate in it. Finally, success depends on having the means to deliver continuing judicial education, and increasingly this has come to mean having an organization and a staff who will deliver the educational programming goods.

#### **Why Do Needs Assessment and Evaluation?**

Successful continuing judicial education programming links educational opportunity to the job-related needs of judges and court employees, ultimately improving their performance and that of the system. The core objective is not, therefore, education for the sake of education, although some continuing judicial education programming may seek to develop general intellectual and interpersonal skills. But in all cases the final objective of judicial education programming is job-relevant individual and system improvements.

When thinking about continuing education programming, the most common vision that comes to mind is a room filled with people in which instruction and learning are taking place. But ultimately the connectedness of what happens in that room to something real in the work environment depends on a set of steps which occur long before and long after anyone

comes to the classroom. Connectedness depends on needs analysis and evaluation and on both of these fitting into the rest of the many steps associated with continuing education.

The multi-stepped nature of continuing judicial education and its relationship to professional competency and system performance can be portrayed in many ways; one such view is offered by Figure 1-1.

Data drives both the substance and the pedagogy of an effective continuing judicial education program. At the front end of continuing judicial education, a *prospective assessment* (commonly called needs assessment) identifies existing and future problems of individual and system performance and anticipates how education might help address them. Needs assessment may also help to identify opportunities for improvements through education. In short, needs assessment helps identify what should be taught to whom, when, how and why. In a world of limited resources, needs assessment also helps set educational priorities--determining which problems or opportunities require attention now, and which can wait.

Without some systematic understanding of educational need, there is the risk of severe mismatch between what the profession needs and what is delivered. We risk that the programming offered is at the whim of a powerful administrator or a few key individuals whose ideas are not firmly rooted in a broad-based and objective understanding of system needs. We risk programming priorities being set based on what first comes to mind, what seems easily done, or on highly personalized views of what is important (what is considered important by a highly influential judge or administrator may not be in anyone else's view, or supported by objective data).

Although prospective assessment ought to identify field-connected needs, there is no guarantee that what is delivered meets the need. Therefore, connectedness requires *retrospective assessment* as well. Evaluation is the retrospective step; it may be summative only, that is, merely retrospective with no intention to impact future programming. Or, evaluation may be formative, the intention being to collect information about past efforts which can be used to improve future efforts.

Figure 1-1 can too easily leave one with the mistaken impression that needs assessment and program evaluation are at opposite ends of a set of linear steps, connected to each other only *through* the planning and offering of programs. Yet, as conveyed in Figure 1-2, the two are really conceptually and temporally connected. The conceptual connection is that

needs assessment and evaluation are essentially data collection and analysis activities, the primary purpose of each being to improve what actually happens in the educational program.

When educational programming is *ongoing*, evaluation provides data directly to the next round of needs assessment and program planning. Thus, the *continuing* judicial education process is a cyclical rather than a linear one. Information from the effective evaluation of prior programming becomes an important ingredient to assessing the need for future programming. And also, needs assessment is inherently evaluative in the sense that it measures discrepancy between the existing and the preferred level of knowledge, skill or ability required by the profession.

Finally, it is worth pointing out that needs assessments and evaluation data provide potentially objective and powerful arguments which support the importance and value of continuing judicial education. Especially in times of tight money, policy and decision makers increasingly look for evidence of payoff in setting allocation priorities. Verifying needs, demonstrating impact and related value following programming, and showing that there is a conscious effort to be concerned about value-for-money, establishes a level of credibility that enhances rather than retards the ability of judicial education organizations to compete for funds.

### **Pressures To Do Neither Needs Assessment Nor Evaluation**

The line drawn between the top and bottom halves of Figure 1-2 separate what may be viewed as the more analytical from the more action-oriented components of a continuing judicial education delivery system. The bottom half, because it focuses on planning concretely what is to be taught to whom and how and on actually providing the instruction, is more appealing to the professional who wants to "get on with doing it." This rush to *do it* rather than to waste time *thinking about it* is abetted in fields where the focal recipient of continuing education is an already highly trained professional (e.g., judges and court administrators).

Occasioned by their intimacy with the actual work of the field, there is a naturally occurring belief among many of these professionals that they already know what is needed. The logical conclusion drawn from this assumption is that you do not have to engage in complex problem assessment and educational needs assessment; rather, a few simple questions put to the "right" people will provide all that is needed. Although, as discussed in Chapter 2, there are times when this approach to needs assessment works quite well, there are many more times when it

does not, and precious educational programming funds, if not wasted, are at least grossly underutilized.

There is also a natural temptation to avoid retrospective assessment of continuing judicial education programming, especially if it is we who are the subjects of the evaluation. From a purely practical point of view, once the educational program is over and people have gone home, the natural inclination for the judicial educator who must get on with the next program is not to spend more energy on a program that is already history. Also, evaluation is a bit like the annual or biannual physical: everyone says it ought to be done, but no one likes having it done to them.

The top half of Figure 1-2 is labelled "data gathering and analysis" and does not sound very action oriented. It provides, however, the critical data and information which permit continuing educational programming to be strategic rather than merely short-run and event-specific in orientation. The top half also comprises that set of activities which provide the greatest chance of maximizing the degree to which programming connects to and "improves the professional competency of all persons performing judicial functions, thereby enhancing the performance of the judicial system as a whole." In other words, the top half connects continuing judicial education programming to the profession it is supposed to service in concrete ways.

## **Organization Of This Monograph**

As Warren K. Benne points out, the worlds of the behavioral scientist and the practitioner collide over how many resources and how much time should be devoted to discovering knowledge and information. In Chapters 2 and 3 which deal, respectively, with approaches to needs assessment and evaluation, we present an "ideal" model for doing each. These ideal approaches, although offering benchmarks for maximizing our knowledge about needs and about how well we have done, are beyond the time, resources and technical capacities of all, or all but a very few judicial education organizations. Then, why include them at all? Besides providing a standard, educators may elect to use pieces of them as time, money and technology permit.

The central point is that with limited resources there must always be some trade-off between the activities encompassed in the top half of Figure 1-2 and those in the bottom half. Just as it would be silly to devote all educational resources to needs assessment and evaluation, and none to programming, it is just as silly to do the opposite. The policy question to

be answered by the judicial educator is how much of the budget should be devoted to each.

What criteria exist for the judicial educator to make this policy decision? Some emanate from the requirements of the scientific method; that is, certain methods of data collection produce only certain kinds of needs assessment and evaluative information, and with varying degrees of validity and reliability. The question is, what do we want to know and with what degree of accuracy. Chapter 2 presents a number of alternative approaches to needs assessment, providing for each an overview of the kinds of information produced and their uses and validity. Chapter 3, following a similar format, focuses on alternative approaches to evaluation and the kinds of information provided.

Other criteria for determining how much and how far to carry needs assessment and evaluation are situational. These largely are concerned with the political, organizational and budgetary constraints faced by the judicial educator. For example, there may not be time for meaningful needs assessment because the state supreme court wants the program held next month; or, we do not have enough money to hold the program and engage in the needs assessment that we should; or, those in charge do not want to risk challenging the status quo which a formal evaluation certainly would; or, we have neither the funds nor the access to find out whether programming has really led to performance improvements.

These and other realities of practitioner life force trade-offs between what we ought to do as dictated by the rules of inquiry and what we can do as dictated by the constraints of organizational life. In addition to presenting the ideal and recommended models, Chapters 2 and 3 consider also the constraints that must be faced, offering a means for educators to weigh the alternatives.

Two appendices accompany the monograph. Appendix A contains all the figures referenced in Chapters 1, 2 and 3. These figures are procedural checklists, forms and other examples for collecting needs assessment and evaluation information. Almost all of the forms will require modification to fit the particular circumstances of individual organizations and programs. However, we grouped them in a single Appendix to ease copying if that is desired.

A bibliography is presented in Appendix B dealing with educational needs assessment and educational program evaluation. These references may be consulted by the judicial educator who wishes to read more on both issues.



## Chapter 2

### Continuing Judicial Education Needs Assessment

#### The Origins of Program Ideas

There is evidence to suggest that the majority of program planners working in the field of adult education "rely heavily upon their experience and intuitive judgment in generating program ideas." (Nowlen, 1980) As Nowlen further points out, there is nothing inherently wrong with intuitive judgment because the intuition and the judgment can be based on carefully-formed, experience-based views of what the practitioner adult learner needs.

*Informed* intuition and judgment require data. The data may come from disparate sources such as the judicial educator's experiences, the judicial education organization's programming traditions, knowledge of court operating objectives and practices, research findings about problems and successes in contemporary courts, viewpoints of practicing professionals, knowledge of impending changes in the broader environment (such as in the law or budgets), and so forth. These and other data sources provide the grist for the informed generation of program ideas.

Presumably, most if not all informed program ideas reference a *need*. A need is a deficiency, a gap between some actual situation and the preferred situation. Or, it may be a gap that is anticipated to arise in the future. Some of the ways in which gaps related to educational programming needs can be categorized include the following:

- The gap may be in *performance*, and relatively objectively measured (e.g., trial judges' failure to meet time standards in processing cases).
- The gap may be in information or *knowledge* (e.g., confusion among trial judges about a complex change in the state's probate law), or in *skills* and *abilities* (e.g., inability to use the state's new case management and case reporting software).
- Need gaps may also be more subjectively based, for example, court administrators may feel a *personal job-related inadequacy* such as a discrepancy between their apparent and preferred career track, or in how well they are able to handle their jobs. Certain forms of

education and training may help individuals to cope better with their jobs (e.g., time management) or develop their careers (helping the court system, as well, to develop its future leadership).

- Need gaps may have more abstract meanings such as that related to *mastery* of a concept or a practice (e.g., enhancing interpersonal relationships, exercising effective leadership, managing complex litigation).
- Some needs are anticipatory such as identifying programs necessary to avoid problems, designing programs to meet needs for new knowledge, skills, abilities and competencies (KSAC) that can be predicted from, for example, the imminent passage of new legislation, or designing programs to take advantage of new opportunities (e.g., such as teaching judges about how to interpret information from a new DNA-typing process when it is admitted into evidence).

The judicial educator's role is to identify those needs which continuing judicial education can help address. *Educational and training program needs assessment* is the label for a group of related activities that join the notion of "need" to the generation of programming ideas. One problem to be overcome with regard to anticipating problems is that not all people anticipate well. In these circumstances needs assessment will include a component that serves to assemble evidence that will convince people of the wisdom of acting.

### **What is Educational and Training Needs Assessment?**

Educational and training needs assessment is a process of gathering and analyzing information which identifies problems and opportunities that can be addressed through education and training. Needs assessment connects our understanding about these gaps to deficiencies in KSAC. Although educational needs assessment typically focuses on knowledge deficiencies and training needs assessment focuses on deficiencies in skills, abilities and competencies, we will use the term *educational needs assessment* throughout the rest of this chapter for both.

The basic meaning of the term *need* in this context is that it is job related and that the training or education is focused on performance enhancement. This is an intendedly narrow definition of need. It omits from educational needs assessment the consideration of personal "wants." Judges and court administrators may *want* to learn sanskrit, or how to

paint, or water ski, but these (except for some fairly wide stretching of the imagination, or truly imaginative program design) are unlikely to relate to individual job-related or judicial-system performance. Satisfying these wants is important to the individuals involved, but doing so typically is not fundamental to the mission of judicial education organizations, and not germane to educational needs assessment.

Educational needs assessment identifies instructional solutions for deficiencies. The term "instructional" means here that we design educational and training programs and other human-development solutions (e.g., benchbooks) to address inadequacies in KSAC. Although educational needs assessment data collection may identify an issue which is best met through non-instructional solutions (e.g., job redesign or changing compensation packages), these discoveries are sorted out, perhaps given to another agency or unit to handle, unless an instructional connection can be found.

Needs assessment is detective work. Until investigated, many important existing or upcoming deficiencies in KSAC remain undetected, or at least not part of our conscious attention. We may be aware that *something* is wrong, but unaware what it is. Good needs assessment not only identifies gaps in KSAC, but in the process it adds to our collective understanding of what is wrong about individual or system performance, and how to address it.

Of equal importance, good needs assessment convinces a sufficient number of the right people that something can and should be done. The *right* people include both those who shape and control continuing judicial education *and* those who are its recipients. A good needs assessment not only convinces judges or court administrators that their colleagues need education and training, but that they do themselves. Thus, needs assessment done well becomes a marketing device for convincing the judicial education governing authority and potential participants that educational resources should be applied to addressing the problem or opportunity.

Because most judicial education programming is designed for groups of participants rather than for individuals,<sup>1</sup> a judicial education needs

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<sup>1</sup> The need for economy of effort is a prime determining factor in making group training the principal reality. An exception is a judicial mentoring program approach where both needs and education are individualized, employing the traditional tutorial model popular in many European educational settings, or employing a version of the apprenticeship model. An upcoming JERITT monograph will describe these programs.

assessment typically looks to uncover compelling evidence of the similar needs of a number of individuals which can be met in a cost-effective manner through an educational program. Thus, most needs assessment strategies that will be useful to judicial educators are *group assessments* rather than assessments of individual needs per se.

Much of the methodology for educational and training needs assessment comes either from the literature on K-12 education or from the human resource development literature applied to corporate settings. These environments are obviously quite different from that of the typical setting for continuing judicial education. Among other differences is that needs assessment in many corporations is fully integrated into the overall personnel management system, and part of a unified chain of command. This is not possible in most of the nation's state judicial systems where decentralized and independent or semi-independent trial court personnel systems predominate. Thus, when examining the options that are available for judicial education needs assessment, revisions are required in the standard models.

No single method for collecting needs assessment data is best. Methods must be matched to considerations of audience, accessibility to information, types of information sought, resource constraints and scope. Thus, we present several alternative methods from which judicial educators may select. Regardless of the options chosen, however, there are a general set of steps associated with nearly all systematic educational needs assessments. Figure 2-1 provides a graphic depiction of these steps, and also an outline of the major issues that will be dealt with in the remainder of this chapter. As can be seen, the process of thinking through how to conduct the needs assessment begins with answering several "pre-questions."

### Needs Assessment Planning Questions

Before engaging in any data collection, it is wise to answer several *planning questions*. The answers to these questions provide an orientation or a goal for the needs assessment, and help to determine which data is to be collected, from whom and how. Neglect of these questions often leads to aimless data collection and data which are of limited use for planning programs. The planning questions fall into two groups. The first sets the general scope of the assessment; answering those in the second group provides some preliminary direction on what to do.

### (I) Getting an Initial Fix on the Scope of the Assessment

*The first planning question is to determine how widely to cast the needs assessment net.* This question and its answer is typically decided very early in the process by the judicial educator (with or without advice of staff or an advisory committee of the judicial education organization).

At one end of the continuum is the *shotgun* approach which gets as many issues onto the table as possible. An example would be to print a completely open-ended "call for programming ideas" in a newsletter that goes to judges and/or court administrators. Or, we might simply put that question to the judicial conference or to the judicial educator's advisory board, asking them to "brainstorm" over the issue. Any real or imagined problem involving almost any aspect of the court system may surface. From the resulting haypile of suggestions, the judicial educator is left to sift and select a few for more analysis. Figure 2-2 provides an example of a minimally structured shotgun approach using an open-ended survey format.

The alternative, closer to the other end of the continuum, is to shape and constrain the initial cast, electing at the start to focus needs assessment on a particular area of court operations. Perhaps the judicial educator states at the outset that the focus of assessment is to be on problems of judicial and court administration, or on the sentencing behavior of judges, or on child support operations.

Each of these approaches has advantages and disadvantages. The shotgun approach enriches the pool of ideas about both problems and programming in the court system. The disadvantage is that the array of ideas may be so scattered and voluminous that there is no hope to address them all, and the sheer number of disparate ideas makes priority setting difficult. The more constrained approach has the advantage of narrowing the actual needs assessment at the beginning into a more manageable range of topics, people, and objectives on which to focus. Without such narrowing at some stage, whether done initially or later, the needs assessment risks being expensive, untimely in its results and unfocused.

A combination approach of the shotgun followed by narrowing is possible. At first, a general "shotgun" question is posed, followed by a consideration of the responses and a ranking of these by some means (see Figure 2-2). The ranking process sets priorities, determining which issues will be considered first in more detail. The combination approach has the advantage of first enriching the idea pool and then constraining it to make it manageable.

## **(II) Getting an Initial Fix on the Direction of the Assessment**

Whether a shotgun, shaped or combination approach initiates the needs assessment thinking, there is a second group of planning questions which follow. The answers to these questions focus the remainder of the needs assessment, helping in a preliminary way to identify issues, people and data that we will need to examine as the assessment unfolds.

The direction given by answers to these planning questions should only be taken as a preliminary fix. The assessment itself will provide additional information which will augment (perhaps change dramatically) our first notions about what the issues are, what data we need and which people need to be considered.

The second group of planning questions include:

1. *What problems, issues, conditions or sets of these will be the focus of the needs assessment? For example, it might be decided to focus on the application of sentencing standards, or on an inability of judges and court administrators to work as teams, or inadequate record keeping and inefficient and tardy processing of documents and forms?*
2. *Which judicial system personnel and which aspects of their job performance seem to connect most directly to these issues? (e.g., magistrates, probation officers, judges who deal with DUI offenders?) Sub questions include:*
  - *What are their demographic characteristics (e.g., education, experience, location)?*
  - *Are they typically receptive to education; if not, what will motivate them to attend a program and participate?*
  - *Can we preliminarily characterize their present levels of KSAC with respect to the problems, issues and conditions identified above in question one?*
  - *How do they see their problems or opportunities with respect to these issues; what will they want from a program?*
3. *Who (people) and what (documents and records) can help define performance discrepancies and instructional needs? In other words, where do we first begin looking for information that can be used*

- in the needs assessment (e.g., experienced judges, substance abuse experts, caseworkers and reports of blue ribbon commissions)?
4. *What is the tentative goal, objective or standard that we wish to pursue with education and training (e.g., to decrease the incidence of drunk driving recidivism; or, bring all sentencing decisions to within state standards)?*
  5. *How many people need to be involved in providing data for the needs assessment--the sample size? If a sample rather than the whole population will be surveyed, is the population homogeneous (e.g., all are limited jurisdiction judges) or heterogeneous (e.g., many kinds of judges and other types of court employees). If the latter, then it must be determined how many of which kinds will be queried.*
  6. *What are the constraints of time, money, and availability of people that must be considered? Sub-questions include:*
    - How much time do we have to conduct a needs assessment before attention must be turned to developing and actually presenting a program? Many times, the pressure to offer a program builds quickly from external sources who want action as soon as possible.
    - Can we afford a systematic needs assessment or must we minimize assessment costs, perhaps settling for a piggy-backing of assessment activity onto the designing of an actual program that will be delivered?
    - Can we convince people to give us time and their cooperation in conducting a needs assessment? For reasons explained in Chapter 1, there are natural pressures to skip assessment and to "get on with doing something." What will convince these individuals of the benefits from allowing sufficient time for assessment?

Of equal, if not of more importance is determining what will secure the cooperation of people (e.g., judges, court administrators, and so forth) to spend the time providing the data and information that will be necessary for the needs assessment. The answer in a nutshell is being careful to explain in a convincing manner how they will benefit from

taking the time. Credibility of the judicial educator and judicial education organization is critical in this undertaking.

Answers to questions 1 and 2 are related and join topics to people, providing a preliminary focusing idea about what the general subject matter of the needs assessment will be *and* for whom. The people identified in question 2 may or may not be those identified in question 3. For example, designing a program for new magistrates will require getting information from judges, experienced magistrates, and others. The answer to question 4 is crucial for providing a strategic orientation to the entire needs assessment and subsequent education programs, because it describes tentatively where we wish to end up.

The answer to question 5 is dependent on how the first four are answered and it will also be an indicator of how expensive and time consuming the needs assessment will be (the more people, the more data, the more time and money needed). The answer to question 6 may cause revision to how the first five were answered. For example, a practical consideration of available time and resources may suggest that the scope of the assessment, the amount or type of information sought and the number of people involved will need to be scaled back from optimal levels.

The judicial educator can consider these questions, utilizing the input of experienced staff, judicial education planning bodies, or specially selected groups of judges and other court personnel. Simply posing the question to these individuals and using one of the standard group thinking-through processes described later can produce the requisite information. Usually, complex, expensive and time consuming data collection is not necessary for acquiring preliminary answers for these planning questions. Remember, the objective at this stage is to give the assessment an orientation, not to conclude it.

## **Generic Issues and Options for Data Collection**

Some needs for educational programming are fairly self-evident and the test of their saliency needs to involve little more than "floating" the idea and seeing if anyone likes it or tries to sink it. It is probably self-evident, for example that the emergence of a complex new piece of legislation that fundamentally affects, say, the standards by which scientific expert testimony is accepted into evidence, suggests the need to educate judges about its features. Not all needs are so self-evident, however, and even those which are, such as the example above, still require a systematic assessment of what should be taught to whom and how. The objective of

data-driven assessment is to avoid educating people about what they already know or cannot use and to focus program time on what they do not have and need to do their jobs, or to do them better. Answers to the planning questions begin this assessment process, whether for fleshing out details of self-evident education needs or for uncovering the less obvious ones.

Once answers in some form have been acquired for the planning questions, needs assessment turns to the serious business of data collection and analysis. This requires making choices about the kinds of data needed, the people who will supply the data, data collection methods, and sampling issues. There are scores of options that could be considered in each area and a number of ways to categorize these options. The options which follow have been chosen from this larger list because they seem to offer the most direct application to judicial education needs assessment.

### **Kinds of Data**

Educational needs assessment can use many types of data. Two that have many applications to judicial education needs assessments are (1) objective data and (2) judgment/opinion data. Each has particular, and sometimes unique roles to play in needs assessment. Even so, they share the purpose of uncovering information which relates to individual or system performance issues, and ultimately on how educational programming can respond. These data, alone or in combination may either reference an extant problem, anticipate one, or identify an opportunity for improving performance. They share the goal that the identification of educational and training program needs should not be done whimsically, but rather systematically.

**Objective Data:** Under classic scientific approaches to research, we collect hard, verifiable data and objectively analyze it for implications. For example, we might use actual case processing records to measure the verifiable amount of delay. We might subsequently delve into the actual procedures used by judges in managing trials (e.g., their records of adjournments). Analysis of problems and their potential solutions are based on these verifiable, objective data, rather than on intuition, subjective preferences, or someone's unsubstantiated assertions alone.

**Judgmental/Opinion Data:** Hard, objective data on which to base analysis often do not exist or their collection would be prohibitively expensive. In these cases we may choose judgmental and opinion data as an alternative. People whom we think to be expert and informed are asked their opinions

or judgments about problems, opportunities or what is needed. For example, a group of experienced limited-jurisdiction judges could be assembled to give opinions as to which are the most pressing problems courts face when dealing with landlord-tenant disputes and how continuing education might help.

**Weighing the Two Options:** These basic data options can be and often are used in combination with one another for needs assessment purposes. For example, we might initially examine case processing statistics and supplement these data with the judgments and opinions of experienced judges or experts in case management practices to reach a better understanding of what the problem is and how an educational program concentrating on certain case management principles and techniques might help.

The advantage to hard or objective data is that, typically, it carries more weight in convincing people that there is a condition requiring attention. It also helps provide a clearer definition of the problem. For example, using actual case processing time statistics to show that a very large percentage of cases significantly exceed time standards verifies the nature and scope of the problem better than does someone simply expressing the judgment or opinion that "it takes too long" to process cases.

There are numerous places to look for hard or objective data. These include, but are not limited to:

- Court records and statistical summaries
- Special performance audits of court operations
- Findings from research studies about court operations
- Reports which analyze new legislation or rules
- Employee personnel records
- Reports of expenditures and staffing
- Job descriptions and job analysis data
- Grievance and arbitration awards
- JERITT program summaries
- SJI-funded research projects

The "literature" of court operations in the state or nationally (such as that suggested in the list above) can provide a wealth of needs assessment ideas that are grounded on hard, objective data and appraisal. The judicial educator should be on "everyone's" mailing list for such documents. A regular review of such documents by the educator and staff, even if only done in a skimming fashion, can point out problem areas in court operations which are potentially treatable through education.

Some of the reports, such as performance audits, research studies, and analyses of new legislation, are often times very efficient sources of relevant information because an expert on the topic has already done the work of collecting the objective data, subjecting it to analysis and drawn conclusions about problems, opportunities and recommendations for changes in court operations. A review of JERITT program summaries provides information on which to infer how other judicial education organizations around the country have defined their programming needs; periodic review of what others are offering may suggest subject areas that should be considered further by us.

As a practical matter, however, collecting hard, objective data is expensive if it is not already available and is often times unattainable retrospectively. In such situations, judgmental/opinion data are frequently used as the substitute for objective data. There is evidence from other JERITT research projects that the vast majority of needs assessment data used for planning judicial education programs is of the judgmental/opinion variety. Opinion surveys of practitioners and experts, or group discussions by such individuals are the most frequently employed technique by judicial educators for gathering judgmental/opinion data. The opinions may be about existing conditions (see Figure 2-2) or about anticipating future conditions that have education programming implications (see Figure 2-3).

**Improving Judgmental Data:** There is nothing inherently wrong about using judgmental or opinion data. Many times, opinions are based on an expert's weighing of hard data and a basing of judgments on that analysis. The important consideration about judgmental/opinion data is the "judge" from whom it comes. Is he or she a person whose opinion should be valued? Some of the factors that enhance the credibility of a person's judgments and opinions include:

- The individual has direct experience with the issue/problem being discussed, or has studied it extensively, or, ideally, has done both.
- The person's understanding is up to date, based on recent experience or supported with contemporary data.
- The issue/problem being discussed is of some personal interest or importance to the individual, thereby likely increasing the level of intellectual attention paid to it by him or her.

- We are able to obtain the opinion or judgment directly from the individual, thus eliminating the risks of inaccuracy caused by messages being transmitted through intermediaries.
- The person has a reputation for being honest and open, and without a hidden agenda with respect to the issue/problem being discussed.
- The person's judgments and opinions are given with supporting evidence or information, even if only largely anecdotal information. A version of this is that the person does not merely say, "I believe X;" rather, he or she says, "I believe X because of the following observations and reasoning."

### **Kinds of People Involved in Needs Assessment Data Collection**

Judicial education needs assessment may employ any or all of the following individuals in gathering and assessing data: (1) judicial education organization staff, (2) the judicial education organization's permanent advisory bodies, (3) consultants who are subject matter or content specialists, (4) experienced employees of the judicial system and of allied organizations, and (5) those who are likely to be participants in the subsequent program. Each of these groups has a potentially unique role and contribution to make to assessing education needs, and to planning an educational program in response:

**Staff:** Staff provide experienced understanding of the delivery of judicial education programming to various target audiences. Some staff are also content matter specialists in their own right and thus can contribute directly to assessing needs based on their knowledge of the subject matter and their previous contact with target audiences in educational settings. Staff provide the essential link between the findings of the educational needs assessment and the detailed planning and delivery of educational programs.

**Advisory Bodies:** The composition of judicial education organization advisory bodies varies greatly (see JERITT's *Issues and Trends in Judicial Education, Volume I*). To the extent that the advisory body is representative of the various groups being served by the organization, they can play an important role in digesting needs assessment data from various quarters and setting programming priorities and overall direction of the judicial education organization. They can also serve as a catalyst in posing and

answering the planning questions discussed earlier. Being "representative" means that all those for whom education is being designed are represented by one or more individuals who hold similar jobs. Thus, if judges, clerks, court administrators, magistrates, referees, and so forth receive education they should each be represented by one or more of their members in the advisory process.

**Consultants:** Contractual subject matter specialists fill gaps on an ad hoc basis in knowledge or in the instructional capacities of the judicial education organization. Ideally, they bring new ideas and challenges to old ways as part of their contribution.

The expertise brought by consultants may include in-depth knowledge about: (1) the jobs or positions under assessment, (2) particular skills associated with doing those jobs, (3) the teaching of these knowledge and skills, (4) or a combination of all. Consultants may also bring specialty research skills to the needs assessment effort. For example, job and task analyses can provide high quality data about performance deficiencies and associated gaps in KSAC; yet, the methodology of such analyses is technically complex. Without formal training in job analytic methodologies, judicial educators will find it tough to design and conduct valid task analyses of jobs. Securing outside (consultant) help may be necessary, although costly. It is important also that the consultant is at least somewhat familiar with work in the courts.

**System Employees:** Those who are the experienced and successful job holders in positions similar to those being assessed offer a unique perspective from the trenches. Their potential contribution to needs assessment includes describing "the way it is" and offering experienced-based assessments of problems and what is needed. They can help provide a realistic description of actual difficulties, what seems to work and what does not, and whether the unfolding assessment's diagnosis of problems, opportunities and identification of requisite KSAC bears resemblance to reality as they have experienced it. Experienced and successful system employees provide a balance or "reality test" for some of the ideas generated by others involved in the needs assessment.

**Members of the Target Audience:** People who are the principal intended targets of the needs assessment and subsequently developed programming (e.g., new and inexperienced job holders) can offer other information. They can describe what they want from an educational program, what will motivate them to attend, how they perceive their own job performance, what they already know, and what they need to know more about. As ideas emerge from a needs assessment, members of the target audience

group can provide the first litmus test of whether the ideas emerging seem to be making sense.

## Using these People in Groups

How can these various kinds of people be used effectively? One issue is whether to use these groups of people in isolation of one another, or join individuals from each into broad-based assessment and planning teams. Another issue is how specifically to use these groups in the assessment process. For example, should they be used as a direct source of data, as data collectors from others, as analyzers of data, as designers of educational programs? All of these options are possibilities.

### Composition

One option which experience suggests has the widest application and greatest general utility for judicial education needs assessment is to form special-purpose needs assessment and program planning groups that combine individuals of the various types. Under this model, sometimes referred to as the *assessment task force model*, special-purpose groupings of people are assembled temporarily as teams to deal with a specific set of problems, issues or conditions. The objective is to find the best blend of expertise and talent for the issue at hand; once the assessment has been conducted and program implications traced out, the assessment task force or team disbands. These task forces might report to staff, the judicial educator, or to the organization's advisory board.<sup>2</sup>

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<sup>2</sup> An example of such a task force was that used in one state to assess the need for general management and team building skills for the state's juvenile courts. The task force consisted of two judicial education organization staff, two contractual subject matter specialists (who also later would be responsible for the bulk of the instruction), a staff member who specialized in juvenile court affairs from the state administrators office, three juvenile court judges (two experienced, one new), two court administrators (one experienced, one new), a juvenile court referee, and two chief probation officers.

The group met several times to identify and discuss problems and related issues, assessed performance data provided by staff, identified management-related knowledge and skill gaps in the leadership of the state's juvenile courts. After identifying these "need gaps," the task force then set about laying out the broad outlines of a multi-phased educational program which would provide educational assistance to management teams from the state's juvenile courts. The task force met five times during the course of a year, then disbanded after giving a final review to the detailed program outline which had been worked out by staff and the consultants.

Because task force members are involved for typically short or at least a specified period of time and because members typically already have requisite experience or expertise, they are more readily available to the judicial education organization than would be the case if their involvement was permanent or required significant investment in new learning. Many such assessment teams can be simultaneously operating, or their operation can be staggered, with the judicial education organization moving from one issue to another with differing combinations of people and talent conducting assessments on an on-going basis.

### **Selection**

The assessment task force model is a very cost-effective means for judicial education organizations to expand the knowledge and expertise available to them on a wide range of issues. Costs can be controlled further by having task force meetings in conjunction with other events where members of the task force are already present. But the key to success is assembling the right mix of people, expertise and experience. Through contacts with the state court administrators office, with judges' and court employee associations, and with judges and employees in previous programs, judicial education staff will already have a working knowledge of who some of the candidates for a task force would be.

Gaps in the name list can often be filled by nothing more complicated than making a few phone calls. Additional information, especially about possible consultants, can be obtained from the individuals above, from contacts through universities, and through national organizations such as NASJE, JERITT, the Institute for Court Management, the National Council of Juvenile and Family Court Judges, the National Center for State Courts, and the National Judicial College, to name a few.

Figure 2-4 is a sample work sheet which can be used by judicial educators to "think through" who ought to be selected for an assessment team and what charge the team will be given. It is important not only to bring together the right combination of perspective or expertise, but to assure also that the task force will have the right "chemistry." Putting the group and the charge together on paper for inspection, such as in Figure 2-4, helps not only identify possible gaps in expertise, but also the potential for positive (and negative) relationships among members.

### **Functions**

There is a division of labor which often surfaces in task forces. Staff and consultants are typically those most directly involved in collecting and

assembling fresh data while other members of the task force lend experience and expertise to interpreting data. Staff also provide information about constraints such as in organizational time and money available for the needs assessment. Experienced and successful system personnel play key roles in identifying priorities, and they, along with potential participants, offer a check on whether discussions are identifying gaps in KSAC which participants will be receptive to addressing.

When a task force which blends individuals from such a wide array of groups is used, the function or purpose of the task force can be very wide and include:

- First, lending more specific attention to answering the needs assessment planning questions.
- Determining what is already known, what data exist and need to be reviewed, and what new data need to be collected, from whom and how.
- Providing expert judgments and opinions for the needs assessment itself.
- Interpreting data and drawing conclusions about priority programming needs.
- Defining educational needs and participating in the designing of programs which address those needs.

## **Kinds of Data Collection Methods**

Actual methods of data collection are nearly endless. Indeed, one could argue that the march of scientific inquiry is as much attributable to discoveries of new instruments and measurement devices as it is to breakthroughs in theory. Luckily, there are some fairly standard categories of collection methods from which to sample. From among the wider set, we have selected document search, observation, focus groups, surveys and performance measurement as having the most application to judicial education needs assessment.

### **Document Search**

A review of existing documents and literature about courts and court operations may support an inference of educational and training needs.

Examples of documents include existing literature (e.g., principles of case management, methods of budgeting, benchguides and law journals), legislation, court rules and procedural manuals, job descriptions, court records and statistical summaries, reports of special commissions, and so forth.

**Conducting a Search:** Some potentially useful procedures for conducting a literature and document search include:

- First, define the principal area of substantive interest (e.g., traffic division operations, child support, civil case management, scientific testimony, budget preparation, chief judge responsibilities). The area of substantive interest can be defined narrowly or broadly so that the scope of subsequent literature search meets our needs.
- Then, identify the keys issues, concepts, or words which are germane to the area of assessment.
- Contact specialists (e.g., librarians, researchers, analysts, key administrators familiar with the area) to help identify as wide an array of potentially useful documents as possible which deal with the key issues, concepts or words.
- Parse out for detailed review those documents which seem most germane to identifying performance issues and associated gaps in KSAC which education might address.
- Review documents, extracting data and ideas from them which provide any of the following:
  - Evidence of gaps between actual and preferred performance in the judicial system; standards for enhanced performance of judicial system personnel.
  - Descriptions of gaps in KSAC of judicial system personnel.
  - Identification of emerging problems and opportunities which could be addressed through judicial education programming.
  - Either relevant general knowledge or technical understanding related to the subject of interest (e.g., a technical report which helps explain features of drug and alcohol abuse may be very relevant to a needs assessment conducted

for an education program on the etiology and treatment of drug abuse).

- Models or outlines of programs which could be used to guide judicial education program development.

Finding out what relevant literature exists, is itself detective work. It begins, as noted above, with a properly focused notion of our principal substantive interest and key concepts. Effective literature searches almost always borrow information from many others who are contacted to identify resources; in turn, the resources often contain bibliographies and footnotes which suggest additional sources. But the key ingredient in the search process is input from others. Figure 2-5 offers a sample worksheet which could be filled out by the judicial educator and given to librarians and others to guide their identification of relevant literature.

### Observation

Observation of people doing their jobs is a classic form of data collection. The advantage is that we are able to see behaviors directly—that is, what actually goes on (unless people behave differently because we observe them.) Careful observation of actual behaviors on the job will not only directly identify performance gaps but inadequacies in peoples' KSAC as well. The value of such directly acquired data for needs assessment and eventual program design is obvious.

Experienced judicial educators, their staffs and many other members of needs assessment task forces will have had numerous opportunities to observe courts and personnel in action and to draw some conclusions about performance gaps and educational needs. The central question, however, is not the availability of observational data to judicial education needs assessment but rather the availability of *systematically collected* observational data.

Systematic observation is expensive because it is labor intensive, time consuming, and typically obtrusive and invasive of court operations. For most judicial education organizations, needs assessment based on systematic observational data collection is beyond possibility. Nonetheless, non-systematic, anecdotal observations reported by those involved in the task force can provide insights to the needs assessment. Also, certain outside groups, such as court watchers, may provide some information.

With non-systematic reporting of observations, the input may be informal, ad hoc and volunteered as when, for example, members recount

an applicable war story when it occurs to them. Or, we may seek more systematically to have these examples of behaviors brought into discussions. To give people guidance as to the kinds of reports of behavioral observations that would be helpful, the judicial educator might consider providing directions such as those outlined in Figure 2-6.

It happens that many of the reporting guidelines suggested in Figure 2-6 follow closely a similar set of procedures developed for a performance appraisal method called *the critical incident technique*. The underlying assumption of this appraisal technique is that the most important data to collect are not about the mundane or ordinary features of everyday work, but rather data on critical incidents--events which produced especially good or especially bad outcomes. For needs assessment purposes, we tend to concentrate on identifying events and behaviors which produced critical performance gaps, and then to focus priority education programming on these.

The caution, of course, is not to assume too much about the generalizability of anecdotal information or the critical incident. Taken by itself, a war story or the recounting of a critical incident is simply that; its generalizability is limited unless we are able to connect to other data and events. This suggests that non-systematic reporting of observations serve a heuristic purpose (they alert us to conditions, problems and issues that we may want to investigate further using other data collection methods).

### Focus Groups and Committees

Focus groups and committees are assemblages of individuals who have the capacity through experience, expertise, or both to share individual information through discussion, to build on that individualized information through give-and-take, and to arrive at new levels of understanding. Focus groups are a very common means of acquiring, assessing and creating new information for needs assessment purposes. An example of such a focus group is the needs assessment task force examined earlier. Other examples include the judicial organization's permanent advisory board, the education committee of the judicial conference, the executive committee of the state's court administrators association, and so forth.

Suffice it to say, as noted earlier, the composition of the group is a critical variable in determining the quality of data and information that will be processed. Another critical variable in focus-group success is the group process used to gather and analyze information. There are numerous group-process options to consider, but a few from the larger list can be selected to offer a reasonable view of the range of possibilities.

**Traditional Meetings:** The group is assembled, a chair distributes an agenda, amendments to the agenda are made, and discussion moves through the agenda under control of the chair. Individual input to discussion is largely voluntary unless specifically requested by the chair or other members. There is no rule that everyone must contribute. Experience shows that such meetings tend to be dominated by the vocal few, and thus, so does outcome. In the hands of a skillful chair, the information entered into the process can be controlled and shaped. The chair's responsibility to move the group through the agenda means that with a skilled chair the meeting is conducted efficiently and expeditiously.

**Structured Meetings:** Meetings which follow an agenda are of course structured. But the meaning given here to *structured meetings* is that the process of individual input is itself structured--rules and procedures exist to assure that everyone contributes and participates. This is important when considering the task force concept because the assumption is that each member brings some unique knowledge and perspective to the table. If attention is monopolized by the few, unique contributions are lost.

Two standard procedures exist as examples of procedures for structured meetings. One is called the nominal group technique (see Figure 2-7) and the other called the delphi technique (see Figure 2-8; also see Figure 2-9 which is an example of part of a delphi survey which was used by a national judicial organization to assess member preferences for educational programming).

As can be seen from Figure 2-7, the idea-generation and discussion processes in the nominal group technique require that everyone participate. The delphi technique does similarly, but with the wrinkle that the group never meets, and other members of the group are not known to one another.

The advantage of the delphi technique is that powerful group members (e.g., judges) will find it difficult to dominate because of their position and who they are; in the delphi technique the ideas themselves must be appealing. The disadvantage of the delphi technique is that it is very time consuming and it limits group exchanges to a few iterations. The nominal group technique permits free and frequent exchange among group members; it is such free exchange which typically leads to novel ideas, consensus building and more complete recommendations.

**Brainstorming:** Is a group-process technique that has as its primary objective the early generation of as many ideas as possible. The essence

of brainstorming is that group members are encouraged (each perhaps required) to contribute ideas which will be discussed later. Usually a question or two is posed first (such as what are the biggest problems facing our district courts; what areas of the law or court procedures or operations seem to be causing employees the most difficulty; where do the court system's biggest gaps in knowledge, skills or abilities exist?). In posing such questions, the objective usually is to leave a lot of room for ideas to surface. The rules of engagement for brainstorming are the following:

- The objective is to get as many ideas out on the table as possible (lists are constructed for future reference). Nothing is weeded out at this stage.
- Evaluation of any kind is forbidden (e.g., other group members are not permitted to positively or negatively evaluate an idea volunteered during the brainstorming process).
- Freewheeling is encouraged; even apparently off-the-wall ideas are retained.
- Combinations of and elaborations of existing ideas are encouraged.

The objective of brainstorming as Linus Pauling once observed is to create a rich storehouse of ideas from which further group discussions can proceed.

**Scenario Construction:** Another group process which has potential application to needs assessment is to focus group thinking on hypothesizing what future individual and court performance would be like (especially how it might be different), comparing a situation where training was given on a given topic to a situation where it was not (e.g., hypothesize the extent of judicial use of new computers following training on word processing, compared to use with no such training). Although scenario construction is essentially predictive and thus usually full of error, well thought out scenarios are often accurately predictive in important ways. Also, scenario construction helps to identify end goals and objectives of training by specifying what we believe will be the situation following training. Evaluation can eventually focus on whether this predicted situation came to pass.

**Problem Diagnosis:** A final process considered here is a structured approach to problem diagnosis. Problem diagnosis is an essential step in

needs assessment because without it, we don't clearly identify what is wrong, what is causing the performance gap, and how and whether education will help. Structured problem diagnosis is a thinking-through process which helps to identify needs and find solutions. It may be used by individuals or as a means of organizing the thinking of task forces, committees or other groups.

**The Gap-Analysis Approach:** Figure 2-10 is a graphic depiction of the steps involved in the gap-analysis approach to problem diagnosis. Each step would be discussed by members of the group, with the goal of reaching consensus on answers for each.

The process begins by asking for a description of the present situation (e.g., less than 10% of trial-court judges can use their computers for word processing). The next step asks for a prediction of what the situation will be if nothing deliberate is done (e.g., over the next five years, about half of the trial-court judges will learn word processing on their own, but unevenly so). The third step asks if something different is preferred (the answer to this question is a goal--what do we want, e.g., that all trial-court judges have a basic ability to do their own word processing?).

The fourth step defines the problem in terms of the gap between the present situation and what we prefer--defining the gap defines the need. The fifth step sets intermediary objectives (e.g., to have 50% of judges functional in word processing within two years and 100% within four years). The sixth step is central to *educational* needs assessment because it asks the group to focus on solutions to the problem which can be addressed through rectifying gaps in KSAC. The seventh and eight steps are the "action" components of the model: programs are planned, delivered and evaluated.

**The Condition-Analysis Approach:** Figure 2-11 is a different but related way to engage in problem diagnosis. It begins with putting together as nearly objective an appraisal of the present situation as possible. There are many ways to describe a bothersome condition; below is one set of variables for doing so:

**Magnitude**      How many people, courts, cases, clients, etc. are involved or affected. Can magnitude be measured by cost (e.g., dollar loss), by amount of delay (e.g., number of days, months, etc.), by number of reversals, by how much we fail to meet standards, and so forth? The objective measurement of

magnitude means that we collect and consider verifiable data to describe the size of a problem, preferring not to accept someone's assertion merely that there is a "big" problem (gap).

|                 |  |
|-----------------|--|
| <b>Change</b>   | Is the size of the problem diminishing, staying about the same, or growing? If diminishing, the best policy may be to do nothing, and wait and see.  |
| <b>Location</b> | In which courts, which <i>parts</i> of courts or court operations, in which areas of the state, etc. does the condition manifest itself?   |
| <b>People</b>   | Which court employees are involved? Is it a certain type of employee only (e.g., non-law-trained magistrates) or does it involve several types of employees (or all employees in one or more locations)? |

The next step in the analysis is to consider causes of the condition. Some may be caused by gaps in KSAC, others by inadequacies in, say, the law or in budgets. For educational needs assessment purposes, the idea is to identify at least some causes which can be treated through educational or training programs. Otherwise, the *educational* needs assessment stops here, although problem diagnosis and problem solution may not.

Assuming that some KSAC related causes have been identified and are ones that can be manipulated through programming, the group next turns its attention to a set of steps which concern identifying program subject matter, target participants, learning objectives, and whether time and resources and a receptive climate exist to offer the program.

Educational needs assessment is essentially composed of problem diagnosis and problem solving activities. The problem diagnosis approaches outlined above are not quite data collection devices as such; rather, they are devices for shaping data collection and for organizing the analysis of data related to defining problems, the solutions for which involve education and training. Thus, they may be used effectively with many of the other "data collection" methods discussed above and below (e.g., document search, group discussion, surveys and the like provide data for problem diagnosis purposes.)

**Strategic Thinking:** An overall thinking-through process which is related to many of the above methods is called strategic thinking. It focuses on several steps which when taken as a whole force our attention on longer range missions and deliverables. Some of the key steps associated with strategic thinking methodologies include:

- Identify basic organizational mandates, missions, goals, and objectives.
- Distinguish what the mandate is from how the mandate is to be met. Mandates may be honored through a variety of means (programs, delivery systems and so forth).
- Identify the judicial education organization's key stakeholders. Identify the criteria that the stakeholders use to assess the value of the education organization, and assess what programs need to be delivered to whom in order to service these criteria.

### Surveys: Questionnaires and Interviews

Second only to group processes in frequency of use in gathering judicial education needs assessment data are surveys. Surveys not only provide information from potential participants, but can help them to feel a part of the planning process. Surveys may be conducted in writing (questionnaires) or orally (interviews). Both kinds of surveys may be open-ended, closed-ended, or scaled.

**Open-Ended Formats:** Open-ended surveys ask a question with no constraint given to what the respondent's answer may be. An example is the "round one" question in Figure 2-9. The advantage of open-ended questions is that respondents are completely free to volunteer what they consider to be relevant information, thereby increasing the array of ideas and views brought to the table. The disadvantage is that almost all respondent answers tend to be unique, therefore difficult to categorize or summarize.

Open-ended surveying is probably best suited to situations where not much is known about the area of inquiry, or at least we do not know enough to know how to frame a question which anticipates all possible responses. This kind of research is often referred to as *exploratory research*, meaning quite literally that we are exploring unfamiliar terrain and want to cast the data collection net very wide to see what surfaces.

**Closed-Ended Formats:** Closed-ended and scaled questions provide set answers and the respondent is required to choose from among those provided. An example of a closed-ended and scaled format is the "round two" question in Figure 2-9. The scale according to which respondents were required to answer in Figure 2-9 (e.g., a five position ordinal scale from 1 = much greater attention to 5 = little or no attention) provides a means to gauge the "strength" of respondent views. An example of closed-ended, non-scaled instrumentation are items where the answer options are "yes" or "no."

The design of the closed-ended format obviously shapes what information is conveyed, and how subsequently it can be used. Figure 2-12 provides examples for several of the most commonly used answer formats in closed-ended surveying. Nine individual examples (labelled "A" through "I") each have unique features which shape the interpretation or meaning that we can give to responses. Each of these examples from Figure 2-12 are briefly discussed below:

- Example A: Respondents are forced to answer yes or no (this could be supplemented with a "no opinion" option). Although we know from their response whether they tend in one direction or another, we do not know the *strength* of their "yes" or "no" vote.
- Example B: This format provides an ordinal scale running from low (1) to high (5), and an opportunity to measure "degrees" in respondents' viewpoints. The scale could be shorter (1-3) or longer (1-10) and still provide essentially similar information. For most needs assessment surveying where only the two end points are labelled, a five position scale is probably sufficient.
- Example C: This format requires discrimination among options. Unlike example B where every option could be rated "5," this example requires that every item be rated (ranked) differently. The advantage is that it forces respondents to discriminate; the disadvantage is that there may be no real difference in the minds of respondents to force.

It is not unusual in needs assessment to use a combination of examples B and C. Using both allows for individual rating and relative rating of items. Individual ratings allow us to gauge the merit of each

item on its own; relative ratings allow us to gauge priorities from respondents' points of view.

- Example D: This format is sometimes referred to as a "Likert" response pattern (named after the statistician Rensis Likert). It is basically an expanded "yes/no" format, except that it allows for degrees of yes and no (e.g., strongly agree, agree, disagree, strongly disagree). It also has a neutral position which should not be confused with no opinion. The "N" means neutral. Finally, it has symmetry which some statisticians have argued lets us treat the scale as interval data, thereby allowing the use of stronger statistical techniques.
- Example E: This is very similar in design and use to example B.
- Example F: This is very similar in design and use to example A. Checks mean yes while the absence of a check means no. Once again, strength is not measured. A version of this approach might restrict the number of checks permitted (e.g., no more than two). Such restriction forces people who would like to check many to select those which are of highest priority.
- Example G: This is a very important format to observe in that it differs from all the rest by having actual behavioral labels associated with the scale. We might have simply labelled the ends of the six-position scale "lots" and "never" as with examples B and E. Instead, however, we define the meaning of each scale value more precisely by having people think about what actually happens. In general, when the option presents itself to behaviorally label categories, they do it. It improves comparability of ratings across people.
- Example H: This is a very important option to consider for needs assessments. Using two scales, respondents are asked to rate both the importance of the task to their present job and their present performance. Presumably, highest priority for educational programming should be given to topics which are both important and for which there are performance

deficiencies. Performance deficiencies in unimportant areas are not all that important in the larger scheme.

**Example I:** Similar to example H, this format measures importance but more directly measures respondents' desire for training. In example H, we infer a desire for more training if self-assessments of performance are low. In example I we infer a performance gap from the desire to have more training.

**Job-Analytic Formats:** Because educational needs assessment is intended to produce job-related information, the collection of data about job tasks and job performance is important. Such data may be collected unsystematically, perhaps basing our understandings on anecdotal information, or on the opinions and judgements of members of a planning group. Or, we may engage in more systematic data collection, employing a job-analytic survey instrument which collects data from a larger number of people who hold the jobs which interest us.

A very frequently used job-analytic instrument is called a task inventory which first identifies what tasks or duties are associated with various jobs and then attempts to determine, say, the frequency or perceived importance of the task. The usual procedure is to collect information directly from job incumbents through self reports. Either an open-ended or a closed-ended format could be used, or the two in combination (e.g., open first followed by a closed format).

Figure 2-13 is an example of an open-ended job analytic questionnaire which asks job incumbents (e.g., court administrators, probation officers, secretaries, or whomever) to identify their job duties and responsibilities (tasks), rate their importance and the percentage of time out of total job time spent on each. After doing this, respondents are asked to identify those duties which they believe are most in need of additional training and education, and for those, what specifically is desired. This instrument could be sent out broadly, or to a very limited sample of job holders, or perhaps only filled out by members of a needs assessment task force to gather their judgements about tasks and training needs of judges, court administrators or others.

Figure 2-14 is an example of a job-analytic closed-ended format which utilizes a similar scale for assessing (1) self-perceptions of proficiencies required by a job and (2) self-perceptions of proficiency possessed. The larger the gap between the two assessments, the greater

the presumed education and training need. This format has been used by a number of judicial education organizations to assess the management tasks associated with various jobs in court systems, and to set management training priorities for court personnel in those jobs. The items in Figure 2-14 are part of a much larger task questionnaire.

Figure 2-15 is an example of a closed-ended format that taps KSAC job-related data rather than task data. That is, instead of asking job incumbents what is done on the job, the question becomes what KSAC are needed in order to do the job. This particular example incorporates both an individual rating and an item ranking requirement based on perceptions of need for additional education and training.

## **Sampling Issues**

The more people from whom data are collected, the greater the expense in time and money. Yet, up to a certain point, the more people from whom data are collected, the greater the probable validity and reliability of results. Determining how much data to collect is, therefore, a tradeoff between time and money on one side and quality on the other.

### **Population v. Sample**

The first choice is whether to collect data from the population as a whole or from a sample of the population (i.e., from all judges or only some judges). If the total population is a relatively small number, comparatively easily reached, and if resources permit, it is best to collect from the whole population thereby avoiding questions as to whether the sample is representative.

If, however, the population numbers are relatively large, not easily reached and it would be costly to do so, then consider a sampling technique that reduces the burden of data collection to a more manageable level. The sampling options briefly discussed below include random, purposive, convenience and stratified sampling.

### **Random Sampling**

Instead of letting our biases, whether knowingly or unknowingly, influence whom we select for data collection, we use a random selection method to draw the sample (e.g., draw 100 names out of a hat containing the names of all 1,000 judges in the state; or, take an alphabetically arranged list of the 1,000 names and pick every tenth name). Theoretically,

this minimizes the chance that findings based on the sample are not representative of the population as a whole. For example, without random selection there might be a temptation to choose the names of 100 judges who we think are likely to respond, ignoring those who we think will not. Yet, the educational needs of responders might be different than the educational needs of non-responders—the latter not being represented.

### **Purposive Sampling**

With random sampling every subject in the population has an equal chance of being selected. When the objective is representativeness, this is an appropriate method. However, sometimes the objective is to maximize information gain (e.g., generate as many informed ideas as possible). Not everyone in the general population will be equally informed on various subjects; but random draw will select both informed and uninformed subjects. If the uninformed in the population greatly outnumber the informed, it may be better to use a non-random selection technique so as to maximize information gain. Purposive sampling is one such method. If the purpose of data gathering as part of educational needs assessment is to acquire as much informed opinion as possible about performance and KSAC gaps, we may wish to sample opinion from among those whom we know to be most informed. The sample is selected purposively to fit targeted information needs.

### **Convenience Sampling**

When minimizing cost is a prime consideration, a sample may come to be defined as who is conveniently available to provide the requested data. Convenience sampling is very common as part of judicial educational needs assessment. A typical example is asking participants who are at a program what they would like to have at the next program. The sample is defined as who happens to be in attendance at the moment. Convenience is the obvious advantage; the equally obvious disadvantage is that there is no guarantee of representativeness in any meaningful sense. More importantly, the needs of those not presently met through training will often be different than those presently being trained.

### **Stratified Sampling**

When the population is homogeneous, a single sample of some kind is usually sufficient. When it is heterogeneous (e.g., composed of new judges, experienced judges, court administrators, clerical staff, and so forth), special sampling problems arise which require us to segment the general population into sub-groupings to check that the "right" sub-

groupings are represented in the sample. Thus, for example, if we want to plan a team-building program that involves court administrators, chief judges and clerks, getting assessment data from them all, the sampling needs to be segmented or stratified. The sample would be drawn to assure that enough judges, court administrators and clerks, each, were represented.

## **Connecting Needs Assessment to Program Design**

As educators consider the various options presented, it should be recalled that needs assessment is intended to provide data which lead to action. The action intended is designing and offering programs which meet the needs of those working in the court system. There are two competing tensions which must be balanced when choosing among the options. On the one hand there is the pressure to get on with programming; on the other there is the pressure to collect systematic, valid and detailed information about those problems and opportunities in the court system which educational programming can help address.

Acceptable needs assessments are those that adequately (1) document a performance gap, (2) document that gaps in KSAC are partly responsible, (3) identify which KSAC need to be addressed, and (4) give evidence that addressing these gaps will stand a reasonable chance of positively affecting the performance gap. As a practical matter, all that is necessary is to employ that amount of data collection and level of technology or methodological sophistication sufficient to give satisfactory answers to these needs. A satisfactory answer is one that permits judicial educators, staffs, and instructors to design and implement programs that subsequently are found to positively affect the performance of individuals and the judicial system. By no means are highly sophisticated and involved needs assessments always or even frequently needed. Rather, many times, simple attention to the underlying principles presented in this chapter, along with some objective data collection, is all that is required.

## Chapter 3

### Evaluating Judicial Education Programs

The central question posed by evaluation is, "*what* was accomplished, what was not, and how does this match with goals or intentions?" Evaluation can also concern itself with finding out *why* certain objectives were met, and others were not. Evaluation may focus on measuring whether work was completed as planned, whether funds were expended as intended, or whether a program was held. Ultimately however, evaluation ought to concern itself with the question of outcome and impact: Have conditions changed and does the change represent an improvement or a deterioration of performance when set against our objectives.

#### The Contributions and Limits of Evaluation

##### Objectivity, Subjectivity and Mixed Evidence

The intention with almost all forms of evaluation is that the assessment will be formed out of and supported by objective data, objectively analyzed. The reality is that some forms of evaluation, like some forms of needs assessment, are undertaken without benefit of systematically collected data. Some evaluations rely entirely on the subjective, unverifiable opinions of one or a very few individuals. As with the better forms of needs assessment, the better varieties of evaluation attempt to supplement personal opinion with hard data which will support subsequent judgments and opinions.

Note above that the objective is to "supplement" rather than to substitute for personal opinion and judgment. The reality is that all evaluations are at least partly subjective because preconceived notions and existing preferences cannot be screened out entirely. Those who have championed the program under evaluation quite naturally hope that the evaluation will show positive results; their reading of objective data will be colored, consciously or sub-consciously, by attempts to put the best "spin" on the findings. Others with a preexisting enmity will do the opposite, even though the same objective data are being referenced.

The reality of evaluation in the public arena is that there are often multiple and conflicting values which are differentially served by a given program effort. An educational program meant to reduce delay, for

example, may enhance one objective (e.g., speedier trials) and impede another (e.g., due process). Subjective and sometimes politically motivated preferences of those who read the evaluative data can lead to far different answers to the ultimate question as to whether conditions have improved.

In the public sector evaluations typically produce *mixed evidence* of impact against which the professional *judgment* of experienced decision makers will be set in determining ultimately whether the programming effort had value, and if that value sufficiently offsets its costs. The answer depends on which conflicting values or goals are given priority by the decision maker (e.g., speedy trial v. due process). Thus, although most evaluations will offer evidence about program outputs and outcomes, professional judgment which includes subjective appraisals of competing goals and intentions will still be required to answer the question as to whether it was "worth it" or "good."

### Purposes for Evaluating Judicial Education Programs

When applied to educational or training programs, evaluation typically is done in order to assess whether program goals have been met. If the only concern is with finding out what happened, the evaluation is said to be *summative*; the subsequent use of the evaluative information for designing or redesigning programs is not a conscious purpose of the evaluation effort. If, however, the objective is also to improve future programming by learning from what worked and what did not, the evaluation is said to be *formative*.

Both summative and formative evaluations are a part of the current judicial education programming landscape. As reported in Volume I of JERITT's *Issues and Trends in Judicial Education*, almost all judicial education organizations engage in some form of program evaluation. All evaluations of judicial education programs are at least summative. From anecdotal data available to JERITT, it is known that many are also formative with evaluative data being collected expressly for the purpose of improving the next offering of the program.

Formative evaluation has limited benefit for assessing one-shot programs on subject matter that it is extremely unlikely will ever be offered again. For regularly occurring programming (on a recurring subject or following a recurring program format such as the annual judicial conference) the potential benefits of formative evaluation are obvious. Although it is clear that numerous judicial education organizations collect evaluative data that can be used for planning improvements to subsequent programs, we have no hard data to measure the degree to which prior

evaluative data, although available, are actually incorporated into subsequent planning efforts.

### **Necessary Tradeoffs**

One of the central themes of this chapter is that the options available for evaluating judicial education programs vary according to the degree of attention given to basic data-collection research requirements on the one hand and to practical constraints on the other. Some evaluation options are more expensive than others chiefly because they use more sophisticated research designs. Although more expensive, these designs also usually provide better information not only for purposes of assessing past programs but for improving subsequent programs.

Tradeoffs will need to be made by judicial educators between quality and utility of the evaluation information provided and the costs and feasibility of acquiring it. As one might suspect, there is generally a greater utility from using the more sophisticated evaluation techniques if the evaluation is formative, and less payoff from using such techniques if the evaluation is merely summative.

To help uncover the options that exist and the tradeoffs that must be made, the remainder of this chapter is divided into two parts. The first part examines basic options for evaluating judicial education programming. The second part examines how a mixture of these two basic options can be applied to the evaluation of judicial education programming. Included is a recommended approach which can be used by most judicial education organizations, with optional additional levels of sophistication and cost.

### **Alternative Criteria for Evaluating Judicial Education Programs**

Evaluation research is an application of general research principles and procedures intended to address a wide range of issues. Two alternative ways of categorizing these issues are the *program-monitoring* approach and the *learning-behavior* approach. Both are considered here because parts of each have useful application to evaluative educational and training programs. Although these approaches share basic assumptions, each has a somewhat unique set of criteria for visualizing the range of relevant issues.

### The Program Monitoring Criteria

It is probably fair to say that the program monitoring approach came to be developed most completely in conjunction with evaluation requirements associated with federal grant programs of the sixties and seventies. The approach separates the principal evaluation questions into six categories, each of which addresses a different set of issues on which the evaluation can rest.

**Effort** evaluation is the determination of what an agency did in terms of resource expenditure and activity completed, and comparisons of these to norms based on what was promised, authorized or required. The focus of effort evaluation is on *what was done* and not on what happened as a result. Programs which meet or exceed their work and activity targets receive positive evaluations.

Applied to the evaluation of judicial education programs, effort evaluation could include an accurate tabulation of program contact hours and subject matter, a counting of the number of participants, an accounting of program expenditures, a description of the kinds and amounts of materials prepared in connection with the program, hours of staff time in planning and delivering the program, and so forth.

**Efficiency** evaluation determines through cost/benefit ratios the unit cost of activities or the costs of attaining objectives. This is sometimes also called *output* evaluation. Efficiency evaluation is not concerned with measuring end results (except unit cost results). Generally speaking, programs with lower costs are judged to be better than those with higher costs.

Applied to judicial education program evaluation, one might calculate program costs per participant or costs per participant contact hour and compare these to a norm such as expected unit costs or the unit costs compared to those of programs sponsored by other organizations.

**Effect** evaluation seeks to measure and document the degree to which basic program goals, objectives or missions have been achieved. This is sometimes called *outcome* evaluation and is concerned with measuring improvements to systems, services and public goods. When moving to the level of effect evaluation, the concern is no longer with what was done but rather with results.

The goals or objectives of educational programs are usually multiple and diverse, and measurable at two levels at least. At the first level, there

can be learning objectives (e.g., new knowledge, skills and abilities acquired by participants). At the second level, there are objectives beyond mere learning that relate more specifically to individual and court performance (e.g., participants subsequently change their job behaviors along ways targeted by the educational program and individual court performance improves in ways hoped for). Effect evaluation applied to judicial education programming is very closely associated with measuring whether the job-related needs uncovered during needs assessment activities have been addressed *effectively*.

**Process** evaluation is a determination of whether effects (learning or performance improvements) are attributable to what we do, and if so, to what degree. Process evaluation requires close attention to questions of research design so that we are able to separate effects that are produced by our programming efforts from those that are attributable to other causes.

When applying process evaluation questions to judicial education programming, it becomes important to distinguish what people already know from what was learned in a program and to establish also whether any subsequent changes in job behaviors are caused by the education and training received, or by other factors operating independently.

**Appropriateness** evaluation asks whether (regardless of demonstrated effort, efficiency or effect) the organization *ought* to carry out programming of this substance, type or purpose. Answering this question is a value-laden process involving the consideration of basic organizational policy and mission and a weighing of internal and external political factors. Applied to judicial education evaluation, appropriateness asks whether programming for a given group of participants, or in a given subject area *properly* falls under the jurisdiction of the judicial education organization or it asks whether the priority assigned to offering this program is fitting given other documentable needs.

In reality, although appropriateness is a question which can be asked at the evaluation stage, it is better asked during the needs assessment phase when the basic issues that are under discussion include determining which educational programs should be offered to which groups of participants.

**Adequacy** evaluation assesses whether what we are able to accomplish is sufficient to make it worth doing at all. The answer to this question is also inherently value laden because terms such as "sufficient" or "enough" are

subjectively defined. What is sufficient for one person is not for another, sufficiency being determined by personal interests and criteria.

Nonetheless, when applied to assessing judicial education programming, the term "adequacy" has broad application. Implicit in both summative and formative evaluations of educational programs is a minimum threshold of expectation (i.e., was adequate effort expended and was it adequately efficient and effective by our standards). Where one sets the threshold of adequacy is a matter of personal judgment but crucial to ultimate determinations of whether the educational program was "worth it."

**Additional Comments on Program Monitoring:** Effort and efficiency evaluation are comparatively easily done as part of a general management audit of an organization. Most organizations have the data necessary for each. And there are not too many research design problems to confound findings. Most educational organizations keep contact hour and attendance records and also have program agenda and budget information readily available. These data will supply most of what is needed for assessing effort in a relatively objective manner.

Effect and process evaluation are generally very costly and methodologically complex to do well. Highly involved research designs usually are required to establish the cause and effect relationship between educational programming and subsequent changes in peoples' job behaviors and performance, and in improvements to public systems and services.

Further confounding attempts to measure the effect of education are that they often only show up slowly, sometimes years after people have returned to their jobs and have had a chance to apply their new learning to often-times resistant work environments. This problem of lag requires even more costly longitudinal evaluation models--continuing to measure for the appearance of effects over several months or years. Also, as pointed out in Chapter 2, hard data on outcomes are often not readily available, thereby making objective assessments of effect problematic. For example, getting objective data on the after-program effects of a stress management program for judges and court administrators will not be easy.

It is possible to "estimate" effects and outcomes by asking people their opinions about the value of an educational program. Participants might be asked directly, as could their subordinates or superiors. Such indirect and opinion-based measurement of effects has obvious limitations

but it is sometimes the only available alternative, it is one that we use heavily in our recommended models.

### **The Learning-Behavior Criteria**

The alternative way of visualizing the issues involved in evaluating educational and training programs is based on a typology developed by Donald L. Kirkpatrick in the late 1950's. Kirkpatrick saw the principal evaluation issues as fitting into four categories, which can be arranged in order from relative ease in measuring and low utility of findings to relative high difficulty in doing and higher utility of findings. We begin at the low end of the order;

**Reactions:** Do those who are the recipients of the educational programming say that they "liked" what they received? This the most frequently used form of program evaluation, in part because it is easily done by directly surveying participants at the end of a program. Participants can be asked what they thought of instructors and their style, whether program logistics met their needs, whether they found the program's topics of interest, and so forth. And they can be asked for suggestions about needed improvements.

Reaction-level evaluations can help assess existing programs and provide information for program redesign. But the information acquired is based on what people *believe, feel or think* rather than on what necessarily has been learned or what is done subsequently with the new learning. Thus, reaction-level evaluations are opinion-based, unverified assertions about program worth. There is also the danger of confusing entertainment with education and learning. Much evidence exists to suggest no necessary correlation between liking a program and actually learning anything.

**Learning:** Is there evidence that new principles, facts or techniques were understood and absorbed (learned) by people (e.g, trainees or agency personnel)? Learning can be measured objectively through tests and examinations, perhaps conducted both before and after programs as a means of quantifying change. Unfortunately, the development of tests and testing procedures which validly measure achievement of program learning objectives is difficult, especially so if comprehension and application rather than mere rote learning is the objective. After participants are resistant to testing of learning.

**Job-Behavior Change:** To what degree do participants alter their on-the-job behaviors in directions suggested by the educational program?

Measuring behavioral change moves evaluation of effect well beyond the confines of the program itself by examining how learning during the program is applied (if at all) to the job setting. The crucial evaluation question is whether participants' on-the-job behaviors alter.

Several difficulties emerge when taking up this evaluation issue. First, because participants will have had to return to their jobs for a while before actual behavioral changes can be measured, they will no longer be assembled in one location; in consequence data collection becomes much more difficult. Second, if it is behavior *change* that we seek to measure, good measures of before as well as after-program behaviors are needed. Third, if we are unable to directly observe behaviors and must rely on participants' self reports, we may need to collect corroborating information from superiors and subordinates.

**Results:** To what degree do educational programs bring about improvements in the performance of participants and in organizational or societal objectives (for example, in equity, due process, fairness, justice, crime control, tranquility, timeliness and so forth)? Does the performance of participants and courts improve by these or other criteria?

Ultimately, the assessment of individual and organizational results is the most important evaluation issue because, just as with needs assessment, the objective of evaluation is to identify and address gaps in KSAC which affect job and court-system performance. This is because reactions may be positive, learning demonstrated, and job-behavior change detected, but no improvement in individual performance or the performance of courts is observed. Without results, the educational programming is without *ultimate* value.

Unfortunately, results evaluation is the most technically difficult level of evaluation to do because of two prime difficulties: (1) complexities encountered when attempting to establish a causal link from program-induced learning through subsequent job-behavior changes to results; and (2) difficulties in getting access to the necessary data about individual and court-system performance. In addition to heightened cost associated with results-level evaluation, many of the technical problems are the same as those confronted when attempting to do process evaluation.

## **Recognizing Constraints Inherent in Doing Evaluation**

Judicial education program evaluation confronts an imperfect world and many threats to valid evaluation. These threats pose real constraint

because in the vast majority of judicial education organizations they limit our ability to acquire hard, objective data about educational program outcomes. This is a reality which can be partially ameliorated by conscious actions of judicial education organizations, but the constraints can never fully be eliminated.

In the short sections which follow, several of the more obvious impediments to conducting evaluations are noted. The next section of this chapter takes these constraints into consideration in proposing what we believe is a feasible approach to program evaluation for most judicial education organizations.

### **Money and Time**

Shortages of staff time and organizational resources for evaluation are painfully obvious and common place, and ready excuses for those who do not wish to engage in systematic evaluation of educational programs. To counteract these problems the potential advantages in time and money of conducting cost-effective evaluation (e.g, improving results or not squandering dollars on worthless programs) need to be advertised. But in a world of tight resources, cost-effective evaluation probably means spending what is necessary to acquire reasonable evidence rather than proof of program value.

### **Fear of Results**

There is often a reluctance to engage in meaningful evaluation because of a fear of results. This is a natural reluctance, especially if it is our pet program being evaluated. The reluctance is sometimes just strong enough to deflect attention to other pressing matters, and in so doing, what ought to be done is driven out by the convenient perception of what must be done. It is never very difficult to find other things that "must" be done before evaluation.

One means of dealing with putting evaluation off is to establish a firm organizational policy that all programs will be evaluated. A minimum-level evaluation model can be specified as part of the policy process

### **Goal Ambiguity and Complexity**

Unstated or unclear educational objectives limit the evaluation issues that we are able to address. Without clearly stated goals it can still be determined whether program effort was exerted (was the program put on),

and efficiency can be measured (e.g., cost per participant calculated). It is even technically possible to measure some effects, such as knowledge gain or subsequent job-behavior change. What cannot be measured without clear goals is whether the effort, efficiency and effects achieved were those intended; without clear goals we do not know what was meant to be accomplished. When goals are unstated and unclear, the subsequent evaluation is hollow—what happened can be described, but not whether it met the planned objectives.

Multiple objectives, especially when these objectives are potentially in conflict with one another, require multiple measures of program effect. Imagine, for example, an educational program with objectives which include in part, enhancing participant knowledge of automated financial management systems, improving the speed with which child support payments are turned around to clients, and reducing errors in processing child support payments. Evaluation, to be complete, should measure for each of these, not just one, especially as speed and errors may be related. Yet, multiple measures for multiple objectives drive up the cost of evaluation.

Effective goals and objectives are measurable, which for our purposes means that we have some means of determining *quantity, timeliness and quality*. That is, effective program goals state how much of something is intended to be accomplished, by when and how good it will be. For example, one goal might be "to provide an educational program by the end of the year for each trial judge in the state that will inform them of techniques for establishing and enforcing firm continuance policies." Subsequent evaluation can focus on specific standards: (1) Did all trial judges receive the education before the end of the year? (2) How much did they actually learn? (3) How many judges actually implemented firm continuance policies and are they being followed? Although the costs of measuring for multiple goals remains a problem, especially if we are to measure for effects in the field, conscious attention to defining goals at least provides us with a sense about intention. Knowing that is essential even to being able to "estimate" whether programming results approach what we intended.

### **Research Design Problems and Unavailability of Data**

Evaluation is often impeded by problems of research design, access to data providers and measurement. Design impediments occur for many reasons. In evaluation research they are often traced to the unavailability of data and to an inability to finance the costlier designs which produce the better evidence of effect. Examples of these types of problems include:

- If we wish to objectively measure change (e.g., new KSAC or new job behaviors following an educational program), we need measures of participant KSAC or behaviors *before* the program, as well as measures of these *after* the program. Costs are driven up by requiring two rather than just one data-collection point. And objective data about pre-program KSAC and job behaviors do not exist in many instances, or would be prohibitively expensive to reconstruct.
- Technically speaking, if we wish to isolate the effects of the education program from those produced by other factors, the principles of sound research design dictate that we have a control group (a matched group of people not given the education). We then compare the educated and non-educated groups to see if there are differences between the two. Although possible for judicial education organizations to do, two group evaluation designs are very costly. And they require that we randomly assign participants, say judges, to the two groups, thereby "experimenting on the judges" by deliberately excluding some from educational opportunity for reasons of research design alone. The political consequences of training some and not others "merely for research reasons" are too severe for many organizations to entertain.
- We often do not have access to participants and their courts before an educational program or after one. This is especially a problem when participants are geographically dispersed, which is typically the case with most programming sponsored by national judicial education organizations and, to a somewhat lesser degree, in most states. Even where participants and their courts are willing to cooperate in providing post-program data, the press of the daily workload coupled with the need to handle many parts of the evaluation through the mail, make timely and quality response to evaluation questions problematic. For many judicial education organizations, these access constraints place a premium on getting as much evaluation information as possible at the end of the program and before participants depart for their home courts. The objective is to minimize the need for follow up after participants return home, but this is where and when some of the most important evaluation data will be found.

## **An Approach to Judicial Education Program Evaluation**

What can be done to evaluate judicial education programs in a way that is properly cognizant of the inherent constraints that most judicial educators will face when attempting to evaluate their programs? One answer is to combine features of the program-monitoring and learning-behavior approaches, setting the goal of collecting as much objective evaluative data as possible given limited resources, time, access to data and cooperation of participants.

### **Underlying Features of the Recommended Approach**

In recognition of the many real and practical constraints faced by most judicial educators and judicial education organizations when attempting to evaluate their programs, our recommended approach includes the following basic design features:

- As much evaluative data as possible is collected from participants while they are still in attendance at the program. Options are provided for engaging in limited data collection from participants and from their home courts at points in time after the program.
- The approach emphasizes single-point data collection, providing options for multi-point data collection (e.g., pre-testing and post-testing, or longitudinal data collection) for those interested and with the resources for doing so.
- One-group designs, rather than the use of experimental control groups, are recommended throughout.
- Data collection procedures in keeping with these design features are provided for assessing effort, efficiency, reactions, learning job-behavior change, and (to a limited degree) results.
- It is recommended that at minimum all programs be assessed for effort, efficiency, and intentions to change job behaviors. Selected programs (e.g., frequently offered, key programs) should additionally be evaluated occasionally based on measuring subsequent participant job-behavior changes and results).

The approach neither maximizes validity and completeness of findings nor minimizes cost and time required for evaluation. The attempt is to balance both considerations given what we believe the majority of

judicial education organizations can profitably consider. Within the approach are pieces of the more complete evaluation model which can be excluded by judicial educators depending on circumstances.

### **Combining the Program-Monitoring and Behavior-Change Criteria**

Although there is overlap in the issues explored by the program-monitoring and behavior-change criteria, they are by no means perfectly parallel approaches. The behavior-change approach is probably superior overall because it specifically focuses attention on measuring the effects of education and training at various levels. However, it seems to leave out explicit consideration of effort and efficiency. Thus, we recommend that judicial educators give consideration to a mixed model of evaluation, incorporating features of the two basic models as follows:

- Effort
- Efficiency
- Reactions
- Learning
- Job-Behavior Change
- Results

Effort and efficiency evaluation can be accomplished fairly easily by most judicial education organizations. Reactions evaluation, although nice, is probably not necessary from a methodological point of view. However, we include it as a substantial part of our recommended evaluation model because, except for a few judicial education organizations, it is the only additional level of evaluation beyond effort and efficiency that is feasible. Because of technical difficulties associated with objectively and systematically evaluating learning, job-behavior change and results, we propose surrogate measures for these which, although weakening validity, do give some means for measuring program-related effects.

The complete model proposed by us deals with each of these. Depending on circumstances, including the availability of time and money and cooperation from participants, a judicial educator may opt to measure only certain components of the mixed model.

### **Questions for Planning the Evaluation**

Ultimately, which parts of the model are used by judicial educators will depend on how certain questions are answered. The answers to these questions cast the evaluation as either relatively quick, simple and limited or as, in varying degrees, more expansive and multi-purposed. The central

questions which require answering before specific evaluation models and data collection techniques can be designed and implemented include:

1. What does the judicial educator want to learn from an evaluation of a program? Put another way, which issues are of interest (e.g., effort, efficiency, learning, behavior change, results)?
2. Who are the significant individuals to whom evaluation data will be of interest? What do they want to know? In other words, what is the audience for evaluation information?
3. Is the objective of an evaluation intended principally to be retrospective (summative) or is its objective more so to supply information for making changes in programming content, procedures, priorities and policies (formative)? In other words, what uses are intended for the evaluative information? The more the uses, the greater the utility in investing in more complete evaluation models.
4. How much is the judicial educator willing to spend or how much can be spent on evaluation?
5. How long can the judicial educator and others wait for evaluation results? All but measurement of actual job-behavior changes and results are theoretically available immediately following a program; so, this question pertains mainly to whether time is available to wait for these two.
6. Will the judicial education organization be able to get the cooperation of participants, instructors and any relevant others in acquiring the needed evaluation data? What can be done if the level of cooperation needed is likely to fall short? Can we get the right people to cooperate to the extent required?

### **Measuring Effort and Efficiency**

Certain data which will provide reasonably complete evaluations of effort and efficiency are typically readily available to most judicial education organizations. These data should be collected, analyzed and presented in order to provide baseline measures of program effort and efficiency. Figure 3-1 outlines the basic information of this type that should be considered for each program.

To gauge effort the figure requests data about program costs (total and by major-account category), about program contact hours, number of participants, participant contact hours, and about numbers of program hours by types of instructional activity and subject matter. Comparisons of planned to actual activity in each of these areas allows assessment of whether what was planned is actually what happened. Was the program over/under budget? Did the anticipated number of participants attend? Were planned instructional formats and content delivered (without regard to how effectively)?

Data about what was planned can come from the needs assessment and from the detailed instructional plan developed for the program. Data about what actually happened can be relatively easily provided by staff assigned to facilitate and monitor program logistics and delivery.

Simple but sufficient measures of efficiency can be calculated from these data. At the end of Figure 3-1 two calculations are requested. One measures cost per participant and the other cost per participant contact hour. These calculations will depend on actual expenditures, actual number of participants who attended, and actual contact hours. As all of these may vary from that planned, it is also suggested that the planned or anticipated levels of efficiency be compared to those actually obtained.

Collecting these data provide a baseline answer to the question *what happened*. It also provides a basis for answering the further question about how this compares to *what was intended*. It is important to collect and record these data because they form the basis of many financial and activity audits and they lay a foundation for answering more complex questions about the value of the program.

However, none of the data in Figure 3-1 provide any measure of how well the program was done, how well it was received, and whether it produced any valued results. Answering these types of questions require collecting and analyzing additional data.

### **Participant Reactions**

Participant reactions to educational programs can be sought on a variety of issues including: (1) Did they find the program helpful, informative, interesting, and so forth? (2) Did they find the various logistic and other program supports sufficient? (3) Do they have suggestions for changes, improvements, additions, and deletions in any of these? For reasons of efficiency, and also given that reactions are typically collected

at the end of a program when participants are anxious to leave, any data collection on reactions should keep the time as short as possible for doing so. It is helpful also to note the evaluation as part of the program agenda and within the time allocated for the program.

Figure 3-2 is a sample questionnaire that can be distributed to participants to gauge their reactions to a variety of issues about the program. Typically such questionnaires are distributed at the end of a program and collected before participants disperse (not doing the latter will guarantee substantial missing returns). If judicial educators are concerned with whether participant reactions remain the same on reflection, say 3 or 6 months after the program, a similar instrument could be mailed to all or to a sample of program participants several months after the program, asking similar questions. Usually, however, the "staying power" of reactions is not an important issue and resurveying adds little information of value.

Figure 3-2 is divided into three parts. Part I asks for *general* reactions to the substance of the program, program instructors and program logistics. Asking for general or overall assessments of these issues provides a convenient baseline measure of participant reactions. However, general-level reactions are of minimal value taken by themselves because they leave it to respondents to decide the specifics on which to base their answers. The specifics will vary from respondent to respondent and we do not know which they used.

Part II of Figure 3-2 asks for more detailed information about topics, instruction, support materials and potential use of program information. For each program topic the sample items in Part II ask for participant opinions on:

- Knowledge gain
- Personal interest and value to the job
- Quality of instructors' presentations
- Quality of supporting materials (notebooks, etc.)
- Need for additional information
- How much was known before the program
- Likelihood of prompting changes in personal behaviors or court procedures

In addition, Part II asks participants to volunteer topics which should be added to the program if offered again, which topics should be dropped from future programs, and whether classroom and hotel arrangements were satisfactory.

In all cases, answers to questions in Part II of Figure 3-2 constitute participant opinions and judgments rather than necessarily verifiable results. For example, question 6 asks how much the program added to their knowledge about various topics; the question is answered by opinion rather than by an actual test of knowledge gain. There is nothing inherently wrong with such information as long as it is recognized as opinion.

Our recommendation is that judicial educators give very serious consideration to moving beyond merely asking the general level questions in Part I of Figure 3-2 and move toward gathering topic-specific data about perceptions of knowledge gain, need for additional information, and likelihood of use at minimum. The sample format in Part II is one way of doing so by using actual topic titles from the program agenda.

Part III of Figure 3-2 asks for some basic respondent demographic information. This permits sorting reactions by a number of criteria (in the example of Figure 3-2, by position, experience, type and size of court). Other demographic criteria will be important to certain programs. Judicial educators should consider how participants differ on important dimensions related to the subject matter of the program and whether as a result to include other demographic questions on the evaluation form. For example, in states where magistrates may be law trained or non-law trained, reactions to a magistrates' law-update program might profitably be analyzed separately for both groups.

Obviously many other kinds of questions, employing different questionnaire formats, can be used to solicit further participant reactions (see further examples in Figures 3-2a through 3-2e). These, however, are the generic categories of questions and topics for which useful participant reactions can be collected.

Even though the data are only opinion-based, results can provide important indicators of the value of the educational program as *perceived* by participants.

### Learning

Our model makes no specific recommendation as to whether learning should be objectively measured, options are presented instead for consideration by judicial educators who may wish to engage in objective measurement of learning. Designing valid test of knowledge, skills and abilities is very difficult, time consuming and potentially costly. And the

benefits from measuring learning objectively may be marginal for most judicial education organizations.

The objective measurement of learning is commonly undertaken by K-12 and post-secondary institutions and by certifying and accrediting bodies. For these organizations the objective certification of KSAC possessed by students is a critical part of organizational mission. This tends not to be the case with judicial education organizations (few if any actually *certify* KSAC as a normal part of doing business).

However, sound reasons exist for judicial education organizations to consider objectively measuring participant learning. Principal among these is determining whether program participant knowledge and skills increased following a program. If any learning evaluation is to be done, there is little value in the exercise unless both a pre and a post test of knowledge or skills is done. Although there might be some inherent interest in knowing at the end of a program what participants know, the real purpose behind learning evaluation is to measure knowledge and skill gain. Also, objective measurement permits assessment of program accomplishments regardless of participants' likes and dislikes about the program.

**Tests:** The usual means for gathering information on learning is the *test*. As distinguished from mere questionnaires (e.g., Figure 3-2), tests have correct and incorrect answers. The right and wrong answers are usually specified by the trainer or educator and these become the norm or criteria for measuring level of learning and understanding. One important consequence of this is that faculty normally need to spend time (and probably hence be paid) to develop and grade test instruments.

A second consequence is that very close attention needs to be paid between what is actually taught and the test--probably not a bad idea under most circumstances. Test construction potentially becomes another input and checking device for setting explicit program instructional goals. For this reason, test construction is probably best undertaken cooperatively between faculty and judicial education organization staff assigned to maintain superintending control of the program.

Most continuing judicial education programs have two broad aims: (1) to have participants learn new material such as facts, principles, and procedures and (2) to have them acquire an understanding of these sufficient to permit their application in the work environment. The assessment of understanding is generally accepted as the more important and useful level at which to test adult learning. As might be anticipated,

measuring understanding is much more difficult than is measuring mere recollection of facts, principles and procedures.

The traditional test (whether essay or closed-ended format) can be designed to provide some measure of learning. Figure 3-3 provides examples of several closed-ended formats, some of which attempt to test recall and others which attempt to measure understanding. Suffice it to say that given the previous comments, test construction must be program specific, constructed with care, and (if possible) pilot tested before use.

**Inference from Subsequent Behavior:** An alternative means for measuring KSAC is to infer their presence through observations or self-reports of work behaviors. The problem of course is that someone may know "X" but not put it to use, so inferring knowledge from job behaviors is not quite a foolproof method. However, for the judicial educator concerned with whether programs help court employees in their jobs, it is possible that learning and job-behavior change can be simultaneously measured. That is, presence of the behavior demonstrates simultaneously some relevant knowledge.

So, if judicial educators are not interested in expending the time and money that will be required to develop valid tests of learning gain from their programs, the alternative may be to infer such learning from information gathered under procedures proposed in the next section.

### **Job-Behavior Change**

There are two levels or stages at which job-behavioral changes can be measured. One level measures intentions to change. Presumably, intentions to change behaviors along lines suggested by the program indicate positive views about program content. Also, intentions provide an indicator of potential job and performance impact. Finally, and perhaps most importantly, asking participants to consider what their intentions for change are, prompts them to identify an "action agenda" to consider once returning to their courts.

The second level or stage involves measuring actual job behaviors some point after the program. One option is to contact participants in their home courts and ask them what they have actually tried to do and with what success. An option might include contacting superiors, or others in these work settings as well to verify the self report information.

Obviously, moving to the second level or stage of assessment appreciably increases evaluation costs, and will pose difficulties in securing

returns of information. For these reasons, we strongly recommend that judicial educators consider some means of measuring intentions to change job behaviors. We leave as an option whether to engage in measuring actual subsequent job behaviors. Both levels are discussed in the following section.

### **Intentions to Change Behaviors**

Measuring participant intentions to change job behaviors would represent a substantial step forward in the way that most judicial education organizations currently evaluate their programming. As a means of keeping the process cost effective, we recommend that self-report forms be completed at the end of programs for the purpose of measuring participant intentions.

**General Intentions:** Figure 3-4a is an example of a form which participants can use for summarizing their general intentions. Participants are asked to report changes they intend to try to make on the job as a result of what they have learned at the program. And they are asked to estimate the likelihood of their being able to effect the change(s); if substantial difficulty is anticipated, they can be asked to explain the reasons, and to venture what might be necessary to improve the chance of success.

This kind of information can be exceptionally useful to planners of subsequent programs who might begin to acquire a better sense of what is currently feasible in the courts and what the major impediments to change seem to be. Also, asking participants to set behavioral goals sets the base line for the subsequent evaluation of actual behaviors.

By way of caveat, however, self-reports of intentions to change conducted immediately at the end of a program suffer from many deficiencies. Two of the most important are (1) insufficient time is available to participants for reflection and (2) intentions are one thing, action is another. To partially counter the first problem, participants should be told at the beginning of the program and at strategic points during the program that they will be asked to complete a version of Figure 3-4a. This may prompt them to think of applications during the program which is not a bad idea anyway. Figure 3-4b is another example of collecting behavioral intentions data.

**Action Planning:** Although technically not an evaluation technique per se, action planning is a more detailed and structured way to gauge peoples' intentions for behavioral actions following a program. Figure 3-5 is an

example of an action planning format. The advantage to this more structured format is that participants are asked to get much more detailed and specific about what they intend to do, when, and what they hope to accomplish. This, in turn, offers substantially greater detail on which to base subsequent evaluations of what actually did happen once participants are back on the job.

The disadvantage of using action planning guides for program evaluation is that substantial time must typically be carved out of the program to allow participants sufficient time, working in groups or individually, to consider and complete the action planning guide. However, if subsequent action by participants is a principal objective of the educational program, then spending program time to develop action plans is itself educational. Using the action planning guide for subsequent evaluation is an added benefit in this case.

### **Measuring Actual Behavioral Changes**

A difficult problem with measuring change in behaviors is to establish what the behaviors of participants were before the program as well as accurately assessing what they are after the program. Records are typically unavailable because courts usually do not have personnel systems that include systematic personnel appraisal or appraisal systems that keep records on the behaviors of interest.

All is not lost, however. A good needs assessment will provide performance gap information, even if only anecdotal information, on which to base an inference of pre-program behaviors. So, too, there is nothing wrong with asking participants to tell us how they behaved in the past and for them to compare that to how they think they have changed.

Reports of pre and post program behaviors can be gathered by way of self reports. Figure 3-6a is an example of a self-report form which can be filled out by participants at any point following a program. It incorporates (in Part II) an opportunity for participants to reflect once again about the educational program itself. Figure 3-6a offers another example of post-program behavioral reporting.

An option to consider is to have the participant's supervisor or others in the court read his or her responses to Figure 3-6a and to comment as to whether they agree or disagree and why. The potential advantage of collecting corroborating viewpoint is obvious. So are the disadvantages. These include time and money to collect data from yet other people. Also,

involving others may be threatening to the participant whose behavioral change we are attempting to measure.

**When and How Often:** Additional issues to consider are when and how often to measure for actual job-behavior changes. From a research point of view, the answer is partly dependent on whether we foresee "staying power" and "sleeper effects." Staying power raises the question as to whether new behaviors are retained or whether participants return to old behaviors after a while. Sleeper effects refer to the situation where real change cannot be reasonably expected for some time after the educational program. This is common with educational programming because new learning must first be digested, connections between the world of ideas and the world of work made and other peoples' cooperation gained to effect the change.

As part of designing programs, as well as designing the evaluation, consideration needs to be given to how long we should wait before checking for on-the-job impact. This will vary greatly. Where the behavioral change is relatively simple, straight forward and generally involving only the participant, we might expect to see changes relatively quickly, if they are to show up at all. In this case, measurement a few weeks or a month after the program might be appropriate. Other changes which involve teams of individuals, complex sets of tasks, or revisions to court policies or procedures will take much longer to develop. In these cases, measurement three, six, or nine months after the program will be more realistic.

Our general recommendation is to consider recontacting participants at a point 2-6 months after a program. Even if effects have not shown up yet, the contact serves as a reminder of the program, its content and the participants' intention to use some of the program material. If resources permit, a contact at the 2-6 month point could be followed by one at an 8-12 month point. This would also serve to measure staying power.

Because of added expense, and a likely fall-off in return rates of data from participants if mail surveys are used, we generally recommend that judicial educators only consider measuring actual behavioral changes in connection with the most important of their educational programs. The meaning of "important" will be individually determined, but in general we recommend consideration for recurring, key programs, the intentions of which are to directly improve the job performance of participants. Periodic evaluation of such recurring programs for job-behavior impacts (rather than the assessment of all such programs) is generally sufficient.

## Results and a Return to Needs Assessment

Although assessment of the impact of educational programs on overall court performance is laudable, it is wholly unrealistic to expect that judicial education organizations will be able to conduct such evaluation systematically and directly. About the closest most, if not all, judicial educators will come to evaluating impact on court performance is through some of the information provided by participants in a questionnaire such as Figure 3-6a or Figure 3-6b. In these self-reports of their individual behavioral changes (if any), participants are providing evidence about possible court-related effects and results. This kind of information could be supplemented with anecdotal, opinion data solicited from key judicial system personnel as to whether they *think* court-system performance has improved and whether they *believe* that the educational program had anything to do with the improvement.

Ultimately, the question of results is one related to needs assessment. Because, as discussed in both Chapters 1 and 2, needs assessment concerns the uncovering of gaps in individual and judicial-system performance which can be addressed through educational programming. One way, therefore, to assess whether results have been achieved is to conduct another needs assessment to see if the same or similar performance gaps are detected.

## Designing, Doing and Using an Evaluation

How one designs the evaluation effort is intimately related to how the information it produces will be used. The foregoing material presented a number of approaches to evaluation. The choice of approach must be considered in light of available resources, access to data, time available to wait for evaluation data, and decisions about which questions the evaluation will answer. Following is a sequence of questions and issues which will guide the judicial educator's thinking about which options to choose. Ultimately, intended use dictates choice of options and actual use determines the value of evaluation.

It may sound harsh to say, but if the principal reason for engaging in program evaluation is simply to say that we have done it (that there is no real use of the information intended), then our advice is, "do not waste a lot of time and money doing it." Either do not do it or do it as cheaply, quickly and non-invasively as possible. Besides wasting the time and money of many people by doing evaluations that have no intended use, one risks establishing false expectations about the use of evaluation

information. The managerial and intellectual credibility of judicial educators suffer when it becomes clear to participants and others that evaluation information is ignored.

So, the first question to consider is whether *any* use is intended. If the answer in effect is, "no," then consider the possibility of doing nothing or engaging in the simplest of reaction evaluations using, for example, a one page version of one of the forms in Figure 3-2. If the answer is, "yes," then the question becomes what use and for whom.

At the most general level the question is whether the evaluation is intended to be summative (only assessing the completed program) or formative (also providing information for shaping or improving future programs). There is also the question about how deeply to carry the evaluation into the sequence of evaluating effort, efficiency, reactions, learning, behaviors and results. The answer to this question is largely dependent on (1) who will use the information, (2) for what purpose, and (3) how much can be afforded. Some of the more important combinations of these issues to consider are the following.

- **Formative Evaluation:** If the purpose of the evaluation is formative, then spending time and money improving the validity of evaluation information has greater payoff to the judicial educator than if the purpose is merely summative. To support formative evaluations, it would be best to consider using a combination of Figures 3-2, 3-4a or 3-4b, and 3-6a or 3-6b, which together provide a range of data for improving subsequent programming. Unfortunately, using Figure 3-6a or 3-6b increases the cost of evaluation.
- **Audit and Program Monitoring:** If the purpose of the evaluation is principally to satisfy financial audit requirements or grant program monitoring requirements, then effort and efficiency evaluations (see Figure 3-1) and reaction evaluations (see versions of Figure 3-2) will probably be sufficient for grant monitors unless the grant award specifically calls for assessment of impact.
- **Feedback to Instructors:** If the purpose of the evaluation includes providing substantive feedback to program instructors, then gaining participant reactions to specific topics covered becomes important and valuable. It is particularly helpful for formative evaluation purposes to get feedback on presentation style, utility of supporting materials and so forth. Beyond this, instructors gain useful insights from knowing what participants' intentions are with respect to *using* information conveyed in programs. The kinds of information

collected by Figure 3-4a can help. Information from Figure 3-6a can be even more helpful because it relates what participants actually have done, what worked, what problems were encountered, *and* what should have been included by the instructor in the educational program. This ultimately is the information of most value to instructors, because although it is nice to know whether people liked a program, the real issue is whether they learned and used anything, and what more could be done or said by the instructor to improve both.

- **Feedback to the Judicial Educator and Staff:** Judicial educators and staffs of judicial education organizations have information needs similar to those of program instructors, because presumably they, too, are interested in the actual conveying and subsequent use of program information. Additionally, judicial educators and staffs need to know about effort and efficiency. Figures 3-1 through 3-6 are relevant, therefore. For the educator and staff, the full range of evaluation information serves many uses: (1) it suggests how to improve subsequent program offerings; (2) it documents programming value for advisory bodies, judicial conferences, legislative bodies, and so forth; and (3) it provides information for setting programming priorities. It is always helpful to have participant reaction and intentions to indicate that they liked the program and intend to act on the information it provided. Especially in tight money times, however, the best cases and highest priorities can be put forward for programs of demonstrated impact (i.e., participants actually implement changes and have successes in doing so).
- **Feedback to Advisory Bodies and Outsiders:** A similar set of needs, uses and options exist for these groups. They need to be assured on occasion (probably not constantly) that programs are cost effective, that participants enjoy the program, but most importantly, that valued educational impact follows.
- **Limiting the Costs of Evaluation:** If funds are limited, but the judicial educator wishes to acquire as much information as possible without incurring extraordinary expense in doing so, and is willing to settle for indicators rather than direct evidence of program merit,

it is possible to accomplish both purposes by doing the following (using purposively designed versions of the suggested forms):

- Effort: Figure 3-1
  - Efficiency: Figure 3-1
  - Reactions: Figure 3-2
  - Intentions: Figure 3-4a or 3-4b
- 
- **Limited Access to Evaluation Data:** If the judicial education organization has limited access to program participants either before or after an educational program, data collection can be concentrated during the program, before participants leave. Again, Figures 3-1, 3-2 and 3-4a or 3-4b fit the bill.

### **Alerting People and Getting Their Cooperation**

People will not provide accurate data, or perhaps any data at all if they do not understand the purpose and utility of a request for evaluative data. The problem is compounded if they suspect the motives behind the evaluation. The appearance of mixed motives, or secrecy about the motives of the evaluation will negatively impact whether people respond at all or respond accurately. If the importance of and use of the evaluation information are not clear, people may respond, but in a perfunctory manner, not taking the time to deliver thoughtful responses, even if they like the program.

To offset these problems it is important to establish a relatively consistent and well known organizational policy about conducting evaluation and using evaluation information. It is also important to convey a sense that individual confidences will be respected and that the objective of the evaluation is not to do harm.

If it is known that all programs will be evaluated, if participants and faculty know up front that this is done, and know roughly the model for doing so, cooperation will be enhanced. Especially if the evaluation will involve before or after the program data collection (such as with Figure 3-6a or 3-6b), participants need to be apprised of this obligation, perhaps in the program announcement. Not only does this prevent surprises, but it puts participants and faculty alike on notice that the real objectives of the program are behavioral and action oriented. It puts everyone on notice that this will not be one of those programs that you can simply show up for and then go home, forgetting everything about it afterward. People deserve to know what is expected of them and are happier and more cooperative when they know it from the beginning.

Participants also need to believe that if they take the time to thoughtfully complete evaluation instruments that their thoughts and recommendations will be read and considered. If they never hear from the judicial education organization, either about their individual responses or through aggregated reporting of evaluation information, they may well draw the conclusion that nothing is done with the evaluation information that they provide.

As a means of avoiding some of these causes of non-cooperation, consider doing the following:

- Mention the evaluation format in the program announcement if it is to encompass more than measuring reactions.
- Briefly state at the top of evaluation forms the purpose of the evaluation and the intended uses and distribution of the information.
- At the end of a program:
  - invite questions and suggestions to staff about the evaluation format and purpose;
  - indicate who will review the information and what they will do with it; and
  - indicate whether participants will be given a report of evaluation findings.
- Indicate whether individual responses will be kept confidential.

## **Linking Evaluation to Needs Assessment**

Although not wishing to belabor the point made several times before in this monograph, evaluation provides input to subsequent needs assessment. Evaluation data from educational programming helps to determine if participants believe that real KSAC gaps which relate to performance problems have been identified. Also, evaluation data lets us know whether any of these gaps have been addressed as a result of the programming. Some of this evidence will be opinion and perception coming from participants, some of it may be more objective by checking up on actual behaviors following a program. The important point is that evaluation data contributes to an on-going assessment of need. Our

opinions of what is needed are revised in part through the use of evaluative data.

One final point about data collection for evaluation and needs assessment is a reminder about the origin of most of the data for both. Most come from participants and job holders in the judicial system whose voluntary cooperation must be secured if we are to receive the best data possible. The points made above about "alerting people and getting their cooperation," apply whether the data is being collected for evaluation or needs assessment.

# APPENDIX A

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**Figure 1-1**  
**Steps in the Continuing Judicial Education Process**

| TASK                    | STEP                                   | DESCRIPTION  |
|-------------------------|--|--|
| ASSESS NEEDS            | 1. Identify Problems and Opportunities | <ul style="list-style-type: none"> <li>• Define need based on an understanding of individual or system performance problems.</li> <li>• Define need based on the emergence or anticipation of new technologies, laws or opportunities.</li> </ul>                |
|                         | 2. Identify Instructional Needs        | <ul style="list-style-type: none"> <li>• Identify which problems and opportunities are related to deficiencies in knowledge, skills, abilities and competencies (KSAC).</li> <li>• Identify KSAC problems which are treated best through instruction.</li> </ul> |
|                         | 3. Set Program Priorities              | <ul style="list-style-type: none"> <li>• Assess which problems and opportunities are most urgent <u>and</u> are treatable through instruction.</li> <li>• Priority KSAC</li> <li>• Priority performance improvement goals</li> </ul>                             |
| PLAN & DELIVER PROGRAMS | 4. Develop Instructional Objectives    | <ul style="list-style-type: none"> <li>• Identify target audiences.</li> <li>• Set learning objectives with respect to desired gains in KSAC.</li> <li>• Identify intended effects on individual and system performance.</li> </ul>                              |
|                         | 5. Design Programs                     | <ul style="list-style-type: none"> <li>• Determine whether to do in-house or alternatively.</li> <li>• Engage instructors or contractors.</li> <li>• Design curriculum, materials and instructional methods.</li> </ul>  |

Figure 1-1 Continued

| TASK              | STEP                    | DESCRIPTION  |
|-------------------|-------------------------|--|
|                   | 6. Offer Programs       | <ul style="list-style-type: none"> <li>• Market the program.</li> <li>• Produce notebooks, media aids and other learning materials.</li> <li>• Arrange and carry through with logistical supports.</li> <li>• Offer programs.</li> </ul> |
| EVALUATE PROGRAMS | 7. Evaluate the Program | <ul style="list-style-type: none"> <li>• Assess participant reactions.</li> <li>• Assess participant KSAC gains.</li> <li>• Assess participant intentions.</li> </ul>  |
|                   | 8. Evaluate Impact      | <ul style="list-style-type: none"> <li>• Assess job-behavior changes of participants.</li> <li>• Assess improvements in participant performance.</li> <li>• Assess improvements in system performance.</li> </ul>                        |
|                   | 9. Feedback             | <ul style="list-style-type: none"> <li>• Use information from steps 7 and 8 to reassess needs and connect to step 1.</li> </ul>  |

Figure 1-2  
The Continuing Education Cycle

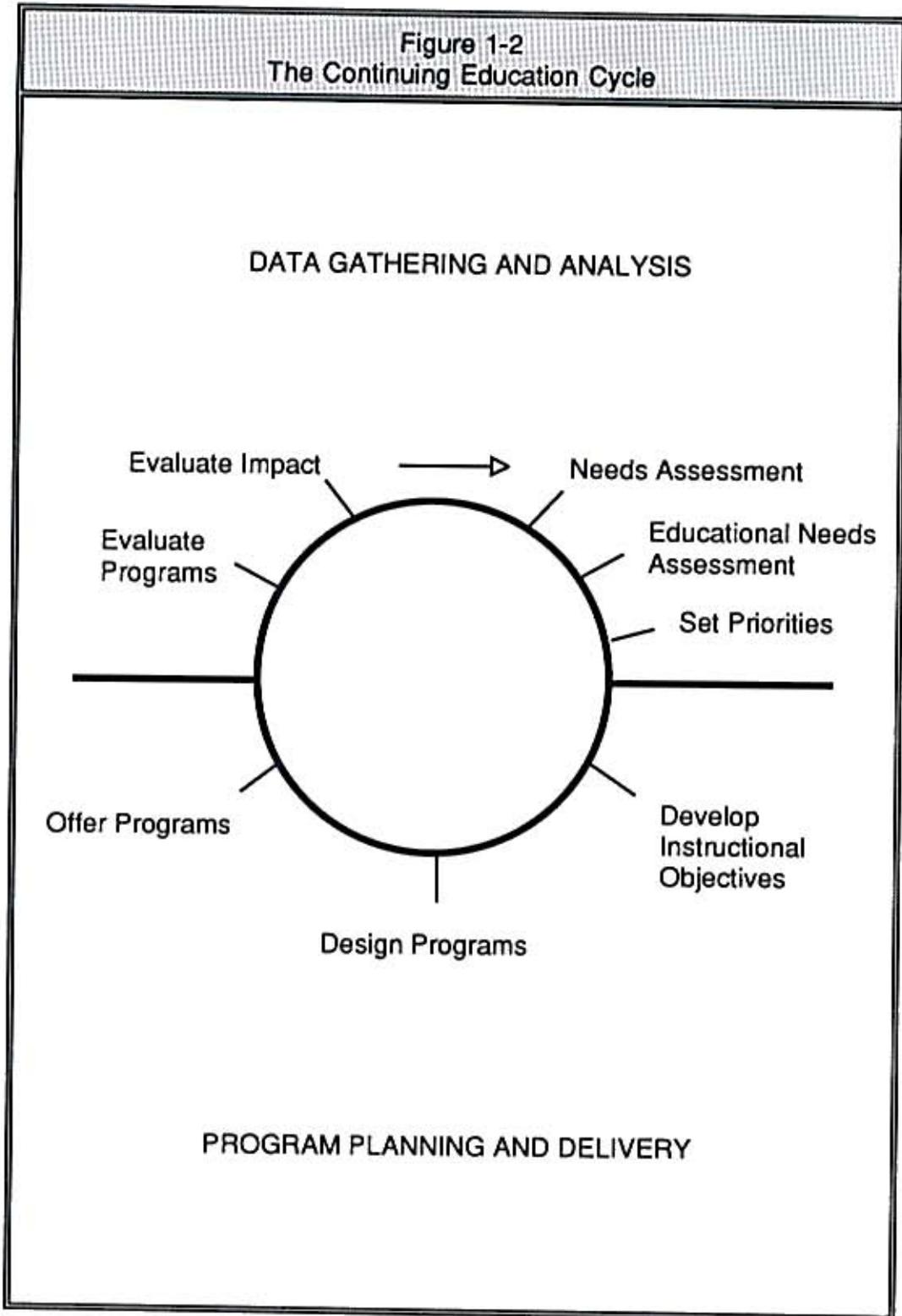
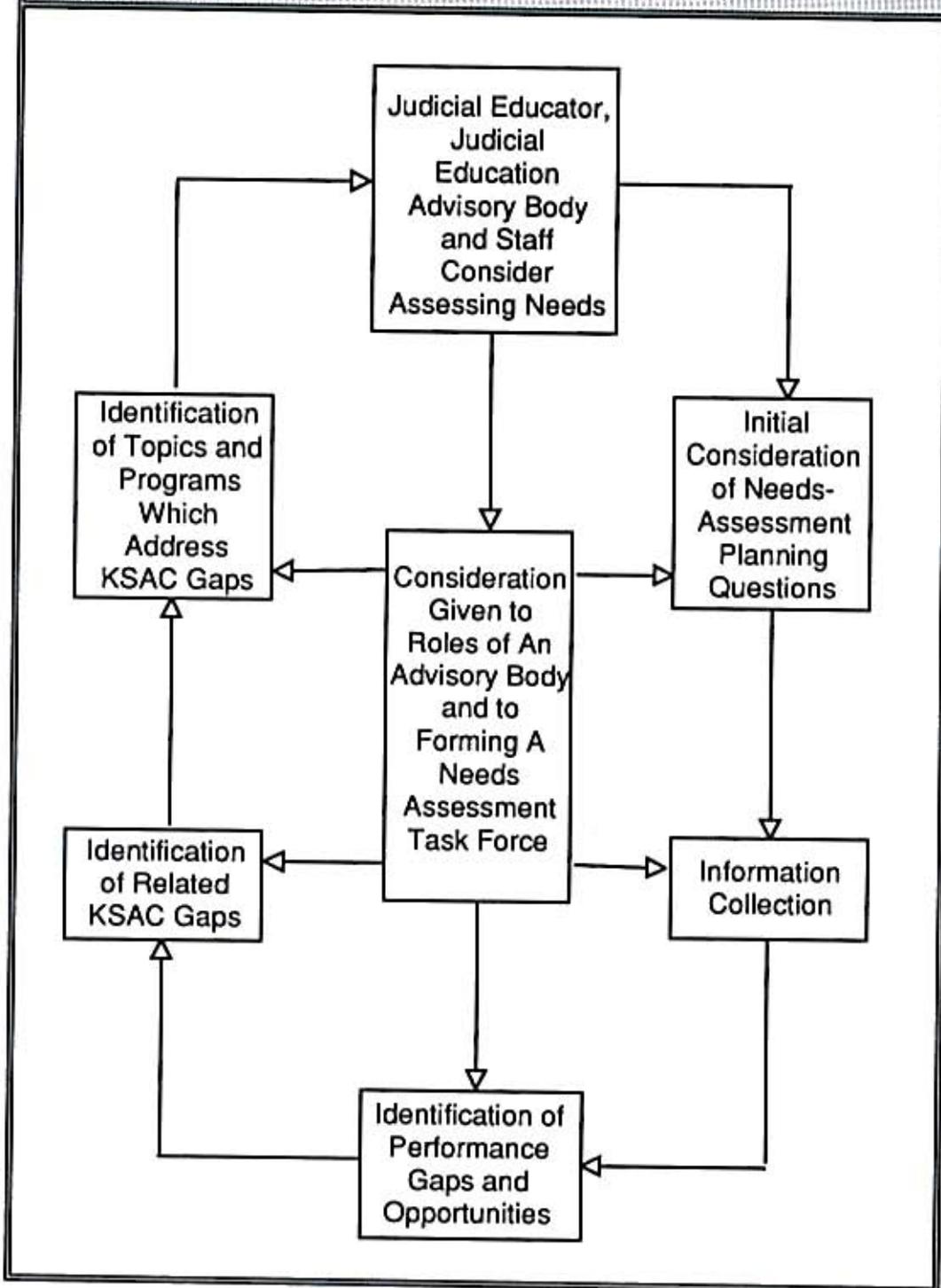


Figure 2-1  
 A Model of the Principal Components and Steps  
 for an Educational Needs Assessment



**Figure 2-2**  
**Example of an Open-Ended Call for**  
**Educational Programming Needs**  
**(The Shotgun Approach to Initial Needs Identification)**

1. What is your current position (job title) in the court system?

\_\_\_\_\_

2. How long have you held this position?

Less than one year

1-3 years

3-6 years

More than six years

3. Briefly describe the one or two biggest problems or difficulties that you have in doing your current job.

1. \_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

4. Below, please list by title or in sentence form up to five topics that you are most interested in having addressed in a continuing judicial education program? Your suggestions could relate either to addressing the problems noted above or to other issues/interests that you might have.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

5. Your Name (optional) \_\_\_\_\_

**Figure 2-3**  
**Example of an Open-Ended Opinion Survey**  
**Focusing on Future Conditions Having Educational Implications**

1. What changes in the law, regulations or society do you expect in the next few years that will impact workload and performance of courts?
2. What changes in the type and amount of workload in your court do you expect over the next few years?
3. What changes in technology or in ways of performing court functions do you anticipate in the next few years?
4. What changes in the jobs of various court employees do you anticipate as a result of these changes above?
5. What knowledge, skills or abilities will court employees need more of than they have now to confront these changes?
6. In order to better meet these future conditions, what topics should be given highest priority for judicial education programming in the next year or two?

**Figure 2-4  
Planning Worksheet for Identifying Prospective Members  
of a Needs Assessment Task Force**

What problems, issues or conditions and judicial system personnel will be the principal target(s) of this needs assessment?

Purposes, Functions, Duties and Tasks Assigned to the Assessment Task Force:

Expected Task Force Products and Schedule:

| Member Type      | Name | Expected Contribution/Expertise |
|------------------|------|---------------------------------|
| Staff            |      |                                 |
|                  |      |                                 |
| Consultants      |      |                                 |
|                  |      |                                 |
| System Personnel |      |                                 |
|                  |      |                                 |
| Participants     |      |                                 |
|                  |      |                                 |
| Others           |      |                                 |
|                  |      |                                 |

**Figure 2-5**  
**Sample Format for Guiding Experts**  
**in Conducting Literature Searches for Relevant Documents**

The general topic, issue or problem of interest in the needs assessment is:

Kinds of information most sought from a literature/document search on these topics and issues:

Key words, phrases or concepts commonly associated with this topic that might be used to conduct the search:

|       |       |       |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Figure 2-6

**General Rules and Procedures for the Non-Systematic Recounting of Behavioral Observations During Needs Assessments**

**Suggested Underlying Rules for Reporting Behavioral Observations**

1. The report should describe actual behaviors of individuals or people in groups (actions, events, what was said or done, by whom, when and so forth).
2. Preferably, the report of actual behavior should be from first-hand observation, rather than from the report of behaviors through one or more other sources.
3. The behavior reported should be job-related; that is, the behavior affected individual performance or that of the court more broadly.
4. The report should focus on being objectively descriptive (what happened) rather than evaluative (that what happened was good or bad) or prescriptive (what should have happened).

**Suggestions for What to Report**

1. Describe objectively and generally what happened.
2. Describe the outcome.
3. In somewhat greater detail, describe who did what.
4. Describe any observable gaps in knowledge, skills, abilities or competencies (KSAC) which led people to behave as they did.
5. Speculate: if those involved had not had the observed KSAC gaps, would they have behaved differently, and would the outcome have been different?

Figure 2-7  
Nominal Group Technique

- |        |   |
|--------|---|
| Step 1 | The group is assembled, explained the purpose of the exercise and given a question to answer. For example, the question may be: "What are the two or three most serious work-force conditions or problems facing this agency?"  |
| Step 2 | Group members are given time independently and silently to compose an answer, and to write it down.   |
| Step 3 | Answers are collated, redundancies eliminated, and the composite list of answers becomes the grist for further group discussion.  |
| Step 4 | One by one, each answer on the composite list is discussed. Answers are clarified, questions asked about each, and individuals may indicate agreement or disagreement with each.  |
| Step 5 | A preliminary ballot is taken on which each member is asked to prioritize a set number of answers (e.g., "list the most important" or "list the three most important"). Priority setting may use criteria such as accuracy, saliency and efficacy. Balloting is done silently, individually and in writing. |
| Step 6 | The vote is tabulated and reported to group members. Discussion ensues about the voting pattern and what it seems to mean. Additional discussion may take place whereby participants attempt further to influence group views before a final vote.  |
| Step 7 | The final vote on priorities is taken and tabulated. Voting is silent and independent. This becomes the final list of group-judged priorities.  |

Figure 2-8  
Delphi Technique

- |        |  |
|--------|--|
| Step 1 | A list of individuals is identified. Group members are not told who other members are. A facilitator individually informs each member about what the purpose of the exercise is and provides a question or questions to be answered.                         |
| Step 2 | Group members, working individually, provide answers to the question(s). Answers are returned to the facilitator.  |
| Step 3 | The facilitator collates answers, eliminating redundancies. A list of all answers to all questions is returned to each individual. Participants remain anonymous.  |
| Step 4 | Each individual is asked to rank order or to vote on the composite list of answers. They may also provide rationales for their vote. Votes and rationales are returned to the facilitator.   |
| Step 5 | The facilitator compiles the votes and rationales. A tally of the votes and accompanying rationales are returned to each individual. Participants remain anonymous.  |
| Step 6 | Participants are asked to reconsider their votes and rationales on the basis of the composite results. A new vote is taken and additional rationale or comment is requested of each individual. Participants return votes and rationales to the facilitator. |
| Step 7 | The facilitator compiles the final vote on each question and adds a composite of participant comments. Final results may be returned to participants for their information.  |

**Figure 2-9**  
**Example: Opinion Survey Measuring Education Need with a Modified Delphi Approach (edited from original)**

**ROUND ONE QUESTION:**

What topics, subject matter or knowledge, skills, abilities and competencies should receive greater attention from our judicial education organization in the coming year?

[Respondents were not further prompted, except to list whatever they wished. Over one hundred returns were analyzed and collated, redundancies eliminated, and a structured composite list was returned to all respondents for further rating as indicated below.]

**ROUND TWO COMPOSITE RATING QUESTIONNAIRE:**

The first survey asked you and others to identify topics that should receive greater attention than at present (through education, publications, conferences, etc.). Using the scale, rate the composite list of responses, indicating in each case the degree to which you think these topics should receive more or less attention from us next year.

- 1 = **Much greater** attention through education programs or publications
- 2 = **Somewhat greater** attention
- 3 = **Neither** more nor less attention
- 4 = **Less** attention
- 5 = **Little** or no attention

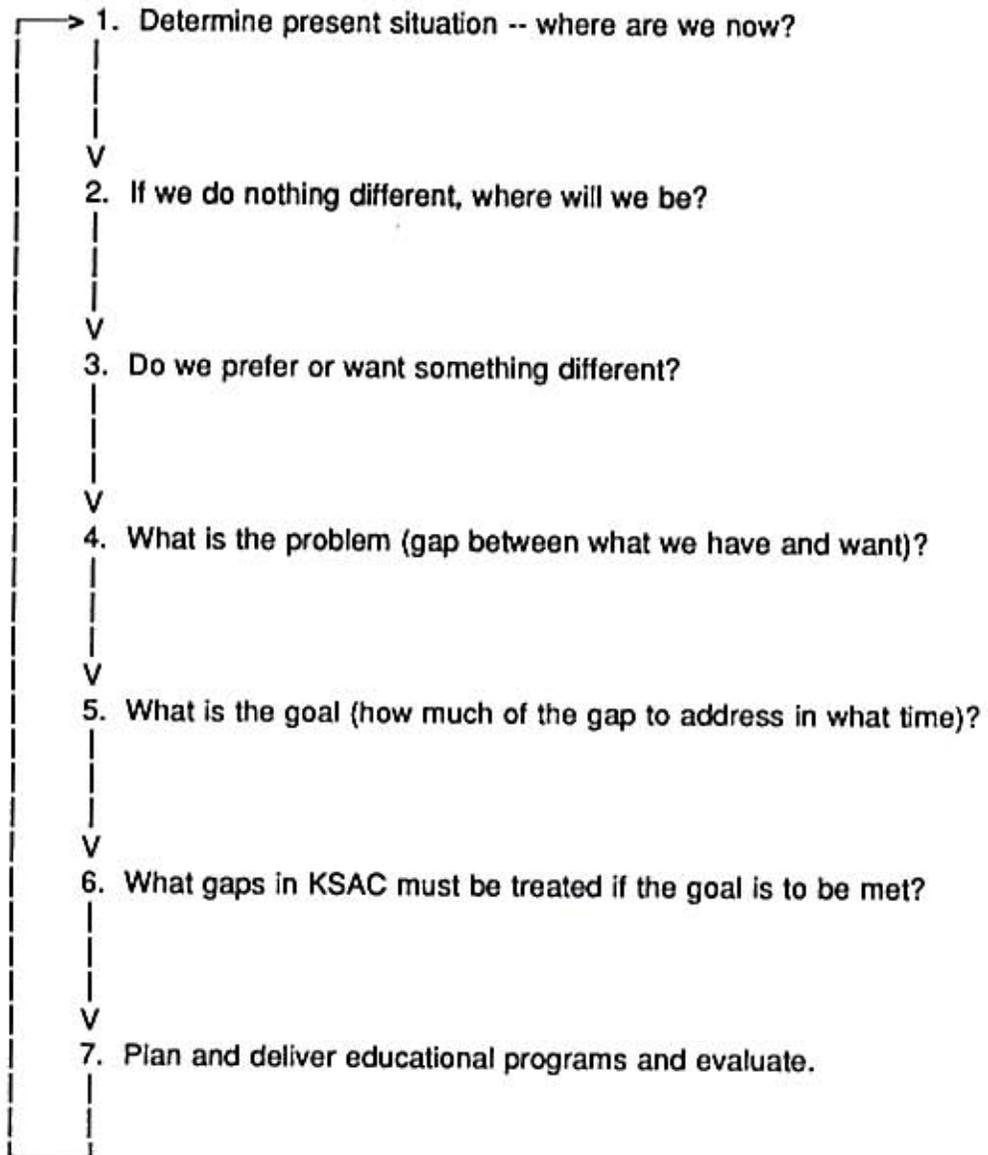
↓ (enter scale value for each)

↓ (enter scale value for each)

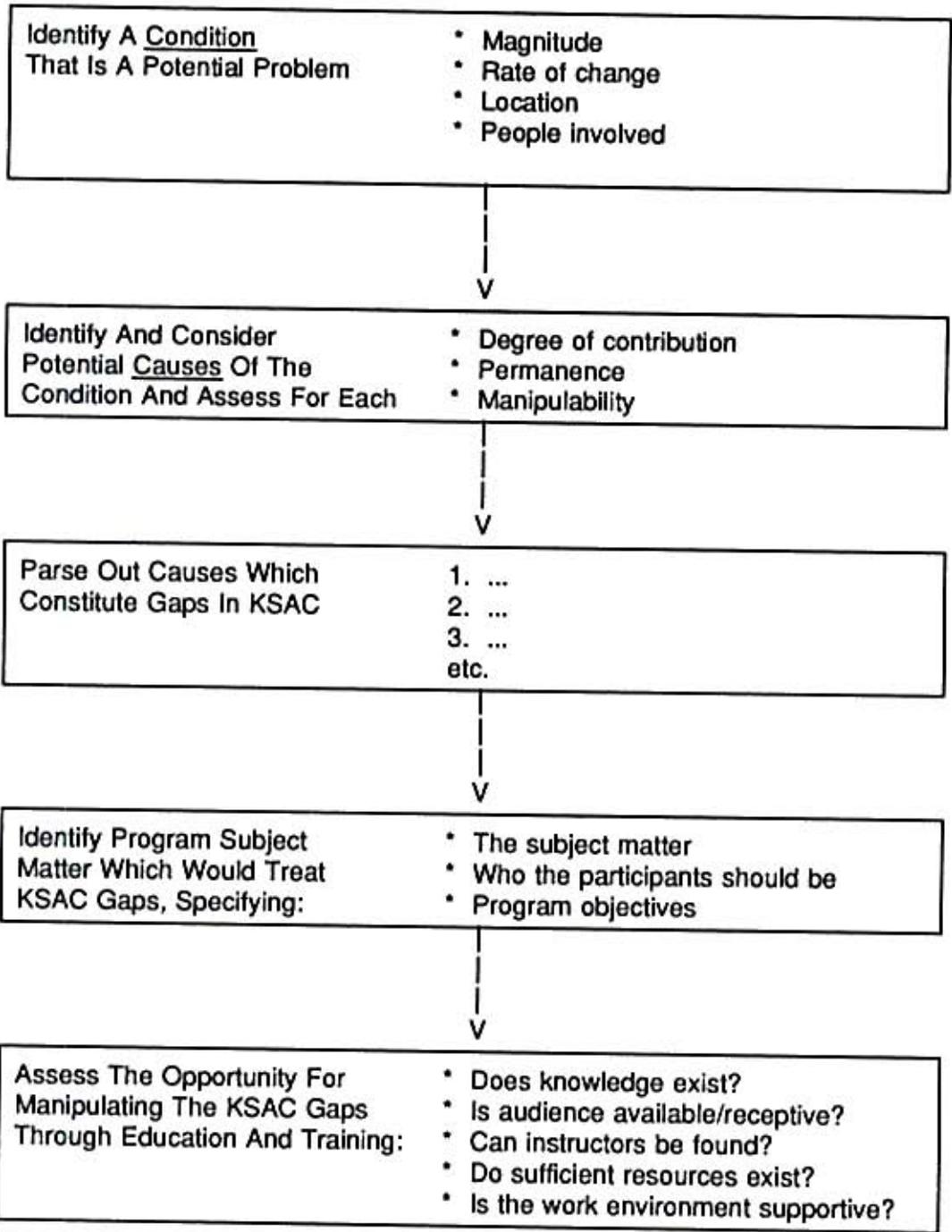
|                                |  |                                |
|--------------------------------|--|--------------------------------|
| Management for chief judges    |  | Alternative dispute resolution |
| Update: law & benchmark cases  |  | Update: new court technology   |
| Forecast techniques            |  | Gender & race fairness         |
| Assessing court performance    |  | Child support guidelines       |
| Case management                |  | Budget planning                |
| Leadership skill building      |  | Accounting & cost control      |
| Team building                  |  | Employee morale building       |
| Employee performance appraisal |  | Strategic & action planning    |
| Records management             |  | Relations with employee unions |
| Pre-trial release criteria     |  | Problem diagnosis/solving      |
| Judicial ethics                |  | Privatizing court services     |
| Jury-management options        |  | Public & media relations       |
| Small-court management         |  | Facilities planning/design     |

For those you rated 1 or 2 please comment regarding aspects for each that you would like to see addressed specifically either through programs or publications.

Figure 2-10  
Linking the Management of Problems and Goals



**Figure 2-11**  
Thinking Problems Through to Educational Programming Solutions



**Figure 2-12**  
**Examples of Scales Used in Closed-Ended Opinion Surveying**

A. Do you think that most judges are already capable to deal with:

|                                       | yes | no  |
|---------------------------------------|-----|-----|
| * database software applications      | [ ] | [ ] |
| * managing complex litigation         | [ ] | [ ] |
| * child custody, visitation & support | [ ] | [ ] |
| * one-day/one-trial jury systems      | [ ] | [ ] |
| * preparing a budget request          | [ ] | [ ] |
| * performance appraisal               | [ ] | [ ] |
| * recusal                             | [ ] | [ ] |

B. How important is it for judges to be familiar with each of the following:

|                                       | IMPORTANCE |     |     |     |      |
|---------------------------------------|------------|-----|-----|-----|------|
|                                       | low        |     |     |     | high |
|                                       | 1          | 2   | 3   | 4   | 5    |
| * database software applications      | [ ]        | [ ] | [ ] | [ ] | [ ]  |
| * managing complex litigation         | [ ]        | [ ] | [ ] | [ ] | [ ]  |
| * child custody, visitation & support | [ ]        | [ ] | [ ] | [ ] | [ ]  |
| * one-day/one-trial jury systems      | [ ]        | [ ] | [ ] | [ ] | [ ]  |
| * preparing a budget request          | [ ]        | [ ] | [ ] | [ ] | [ ]  |
| * performance appraisal               | [ ]        | [ ] | [ ] | [ ] | [ ]  |
| * recusal                             | [ ]        | [ ] | [ ] | [ ] | [ ]  |

C. Rank order the following list of items in terms of how important you think it is for judges to be familiar with doing them. (Rank 1 = most important through Rank 7 = least important)

|                                       | RANK  |
|---------------------------------------|-------|
| * database software applications      | _____ |
| * managing complex litigation         | _____ |
| * child custody, visitation & support | _____ |
| * one-day/one-trial jury systems      | _____ |
| * preparing a budget request          | _____ |
| * performance appraisal               | _____ |
| * recusal                             | _____ |

Figure 2-12 Continued

D. To what degree do you agree or disagree that each of the following topics should be included in new judge orientation programming?

|                                       | SD  | D   | N   | A   | SA  |
|---------------------------------------|-----|-----|-----|-----|-----|
| * database software applications      | [ ] | [ ] | [ ] | [ ] | [ ] |
| * managing complex litigation         | [ ] | [ ] | [ ] | [ ] | [ ] |
| * child custody, visitation & support | [ ] | [ ] | [ ] | [ ] | [ ] |
| * one-day/one-trial jury systems      | [ ] | [ ] | [ ] | [ ] | [ ] |
| * preparing a budget request          | [ ] | [ ] | [ ] | [ ] | [ ] |
| * performance appraisal               | [ ] | [ ] | [ ] | [ ] | [ ] |
| * recusal                             | [ ] | [ ] | [ ] | [ ] | [ ] |

E. How interested would you be in attending a program which included treatment of these various topics:

|                                       | Not Interested |     |     | Very Interested |     |
|---------------------------------------|----------------|-----|-----|-----------------|-----|
|                                       | 1              | 2   | 3   | 4               | 5   |
| * database software applications      | [ ]            | [ ] | [ ] | [ ]             | [ ] |
| * managing complex litigation         | [ ]            | [ ] | [ ] | [ ]             | [ ] |
| * child custody, visitation & support | [ ]            | [ ] | [ ] | [ ]             | [ ] |
| * one-day/one-trial jury systems      | [ ]            | [ ] | [ ] | [ ]             | [ ] |
| * preparing a budget request          | [ ]            | [ ] | [ ] | [ ]             | [ ] |
| * performance appraisal               | [ ]            | [ ] | [ ] | [ ]             | [ ] |
| * recusal                             | [ ]            | [ ] | [ ] | [ ]             | [ ] |

F. Which of the following topics would you like to see addressed during the next judicial conference (check up to four)?

- \* database software applications \_\_\_\_\_
- \* managing complex litigation \_\_\_\_\_
- \* child custody, visitation & support \_\_\_\_\_
- \* one-day/one-trial jury systems \_\_\_\_\_
- \* preparing a budget request \_\_\_\_\_
- \* performance appraisal \_\_\_\_\_
- \* recusal \_\_\_\_\_





**Figure 2-14**  
**Example: Using A Self-Assessment Survey to Measure**  
**Discrepancies between Required and Needed Task Proficiencies**  
**(Example Shortened from Original: 8 of 132 Items)**

**PROFICIENCIES THAT YOUR JOB REQUIRES.** For each of the specific tasks, assess the level of proficiency needed for effective performance in your current position. Base your assessments on a composite of the following factors: the skill or knowledge required; the task's complexity or difficulty; and its relevance to your current position. **THINK ABOUT WHAT YOUR JOB REQUIRES NOT HOW WELL YOU DO IT.** Use the 0 to 9 scale shown here and record the appropriate scale number for each item in the box.

| No Proficiency                 | Basic Proficiency  | Intermediate Proficiency   | Advanced Proficiency   |
|--------------------------------|--|--|--|
| <input type="text" value="0"/> | <input type="text" value="1"/> <input type="text" value="2"/> <input type="text" value="3"/> | <input type="text" value="4"/> <input type="text" value="5"/> <input type="text" value="6"/> | <input type="text" value="7"/> <input type="text" value="8"/> <input type="text" value="9"/> |
| <input type="text"/>           | 1. Assess the political feasibility of alternative courses of action.                        | <input type="text"/>   | 5. Keep up-to-date with Supreme Court and administration office priorities and rules.        |
| <input type="text"/>           | 2. Assess the financial feasibility of alternative courses of action.                        | <input type="text"/>   | 6. Identify irregularities or conflicts in work-unit operations before major problems arise. |
| <input type="text"/>           | 3. Take an active role in recruiting and retaining your staff.                               | <input type="text"/>   | 7. Critically and realistically evaluate the overall effectiveness of court operations.      |
| <input type="text"/>           | 4. Explain and clarify general policies to subordinates.                                     | <input type="text"/>   | 8. Handle job pressures and stress, managing multiple priorities and conflicting demands.    |

**YOUR PRESENT PROFICIENCY.** In this part rate the same task and behavior items, but now assess them in terms of your present level of proficiency. Consider your present skill or knowledge level, the degree to which you have difficulty performing the task and the extent to which your performance in this area produces positive results. Use the 0 to 9 scale shown here and record the appropriate scale number for each item in the box.

| No Proficiency                 | Basic Proficiency  | Intermediate Proficiency   | Advanced Proficiency   |
|--------------------------------|--|--|--|
| <input type="text" value="0"/> | <input type="text" value="1"/> <input type="text" value="2"/> <input type="text" value="3"/> | <input type="text" value="4"/> <input type="text" value="5"/> <input type="text" value="6"/> | <input type="text" value="7"/> <input type="text" value="8"/> <input type="text" value="9"/> |
| <input type="text"/>           | 1. Assess the political feasibility of alternative courses of action.                        | <input type="text"/>   | 5. Keep up-to-date with Supreme Court and administration office priorities and rules.        |
| <input type="text"/>           | 2. Assess the financial feasibility of alternative courses of action.                        | <input type="text"/>   | 6. Identify irregularities or conflicts in work-unit operations before major problems arise. |
| <input type="text"/>           | 3. Take an active role in recruiting and retaining your staff.                               | <input type="text"/>   | 7. Critically and realistically evaluate the overall effectiveness of court operations.      |
| <input type="text"/>           | 4. Explain and clarify general policies to subordinates.                                     | <input type="text"/>   | 8. Handle job pressures and stress, managing multiple priorities and conflicting demands.    |

**Figure 2-15**  
**Example: Opinion Survey Measuring Task Importance Using a Modified Delphi Approach (edited from original)**

**ROUND ONE QUESTION:**

What are the most important knowledge, skills, abilities and competencies of an effective court manager?

[Respondents were not further prompted, except to list whatever they wished. Over one hundred returns were analyzed and collated, redundancies eliminated and a structured composite list was returned to all respondents for further rating as indicated below.]

**ROUND TWO QUESTION:**

The first survey asked you to identify **knowledge, skills, abilities and competencies (KSAC) which you considered important for court administrators to have**. Please rate the composite list below each according to how important/critical you think each is to being an effective court manager and how frequently needed or used they are. (For each choose the rating which comes closest to your view.)

- 1 = A frequently needed and very important/critical KSAC for court managers
- 2 = An occasionally needed but very important KSAC for court managers
- 3 = A somewhat important and/or frequently used KSAC for court managers
- 4 = A not generally important or needed KSAC

↓ (enter appropriate number for each)

- |  |  |
|--|--|
| _____ 1 Legal knowledge                  | _____ 16 Grievance procedures          |
| _____ 2 Data gathering/analysis skills   | _____ 17 Disciplinary methods          |
| _____ 3 General computer-use skills      | _____ 18 Personnel administration law  |
| _____ 4 Political sensitivity/awareness  | _____ 19 Problem diagnosis/analysis    |
| _____ 5 General leadership abilities     | _____ 20 Ability to motivate employees |
| _____ 6 Knowledge of the court system    | _____ 21 Media & public relations      |
| _____ 7 Court record keeping methods     | _____ 22 Crisis management skills      |
| _____ 8 Procurement methods              | _____ 23 Creativity, ability to dream  |
| _____ 9 Ability to forecast conditions   | _____ 24 Diplomacy/tact                |
| _____ 10 Case management methods         | _____ 25 Methods of program evaluation |
| _____ 11 Budget planning & justification | _____ 26 Action planning skills        |
| _____ 12 Accounting methods              | _____ 27 Cost/benefit analysis         |
| _____ 13 Cost/benefit analysis methods   | _____ 28 Consensus-building skills     |
| _____ 14 Employee perform. appraisal     | _____ 29 Ability to tolerate ambiguity |
| _____ 15 Administering labor contracts   | _____ 30 Vision of a good court        |

From the list of 30 items above select up to 10 that you believe are most in need of additional programming for court administrators in our state:

#1\_\_\_ #2\_\_\_ #3\_\_\_ #4\_\_\_ #5\_\_\_ #6\_\_\_ #7\_\_\_ #8\_\_\_ #9\_\_\_ #10\_\_\_

**Figure 3-1  
Summary Program Cost and Enrollment Data**

**Program Information:**

Program Name \_\_\_\_\_  
 Program Date \_\_\_\_\_ Location \_\_\_\_\_

|   | <u>Planned</u> | <u>Actual</u> |
|---|----------------|---------------|
| Total Participants  | _____          | _____         |
| Total Contact Hours   | _____          | _____         |
| Total Participant Contact Hours<br>(Participants x Contact Hours) | _____          | _____         |

**Program Topics and Allocated Instructional Hours:**

| <u>Topic</u>    | <u>Instructional Hours</u> |               |
|-----------------|----------------------------|---------------|
|                 | <u>Planned</u>             | <u>Actual</u> |
| Topic A ....    | _____                      | _____         |
| Topic B ....    | _____                      | _____         |
| Topic etc. .... | _____                      | _____         |

**Costs:**

| <u>ITEM</u>                  | <u>Budgeted</u> | <u>Actual</u> |
|------------------------------|-----------------|---------------|
| Contractual Faculty Stipends | _____           | _____         |
| Contractual Labor            | _____           | _____         |
| Lodging                      | _____           | _____         |
| Transportation               | _____           | _____         |
| Meals/Food                   | _____           | _____         |
| Supplies                     | _____           | _____         |
| Printing/Copying             | _____           | _____         |
| Equipment Rental             | _____           | _____         |
| Room Rental                  | _____           | _____         |
| Other                        | _____           | _____         |
| Total                        | _____           | _____         |

**Total Staff Days:**

For Planning: \_\_\_\_\_ At Program: \_\_\_\_\_ For Evaluation: \_\_\_\_\_

**Cost Ratios:**

|   | <u>Planned</u> | <u>Actual</u> |
|---|----------------|---------------|
| Cost per program contact hour<br>(Total Cost / Total Program Hours)       | _____          | _____         |
| Cost per participant contact hour<br>(Total Cost / Total Part. Con. Hrs.) | _____          | _____         |

**Figure 3-2**  
**Sampling Participant Reactions to Programs**

**Instructions:**

Please complete this form and return it to the institute representative before leaving. The information you give will help us plan subsequent programs; your frankness will be appreciated. Written comments will be particularly helpful. It is not necessary for you to sign your name.

**PART I. GENERAL REACTIONS**

1. Overall, the program's content (topics and substance) was:

Excellent     Very Good     Good     Fair     Poor

2. Overall, the program's logistic arrangements (hotel, classroom, audio-visual) were:

Excellent     Very Good     Good     Fair     Poor

3. Overall, assistance provided by program staff during the program was:

Excellent     Very Good     Good     Fair     Poor

4. Regardless of the topics' interest and value to you, how would you rate the quality of the instructors' presentations?

|              | Excellent                | Very Good                | Good                     | Fair                     | Poor                     |
|--------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| George Black | <input type="checkbox"/> |
| Mary Green   | <input type="checkbox"/> |
| Etc.         | <input type="checkbox"/> |

5. Please provide any specific comments you may have regarding your answers to the questions above.

---



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Figure 3-2 Continued

**PART II. REACTIONS TO SPECIFIC TOPICS**

Questions 6 through 12 ask you to consider several aspects of each of the major topics presented during the program. (Questions 9-11 are optional)

6. How much did the program add to your knowledge of each of the topics listed below?

|                                 | I know as<br>much now<br>as before | I have<br>learned some<br>additional<br>things | I have<br>learned a<br>great deal<br>more |
|---------------------------------|------------------------------------|--|---|
| Topic A, Instructor, Tues. A.M. | [ ]                                | [ ]  | [ ]                                       |
| Topic B, Instructor, Tues. A.M. | [ ]                                | [ ]  | [ ]                                       |
| Topic C, Instructor, Tues. A.M. | [ ]                                | [ ]  | [ ]                                       |

7. How would you rate each topic on personal interest and value to you on your job?

|                                    | No personal<br>interest<br>or job<br>value | Personally<br>interesting<br>but no job<br>value | No personal<br>interest but<br>of job<br>value | Has both<br>personal<br>interest and<br>job value |
|------------------------------------|--|--|--|---|
| Topic A, Instructor,<br>Tues. A.M. | [ ]  | [ ]  | [ ]  | [ ]   |
| Topic B, Instructor,<br>Tues. A.M. | [ ]  | [ ]  | [ ]  | [ ]   |
| Topic C, Instructor,<br>Tues. A.M. | [ ]  | [ ]  | [ ]  | [ ]   |

8. Overall, the quality of the instructors' presentations (clarity, pace etc.) were:

|                                 | Excellent | Very<br>Good | Good | Fair | Poor |
|---------------------------------|-----------|--------------|------|------|------|
| Topic A, Instructor, Tues. A.M. | [ ]       | [ ]          | [ ]  | [ ]  | [ ]  |
| Topic B, Instructor, Tues. A.M. | [ ]       | [ ]          | [ ]  | [ ]  | [ ]  |
| Topic C, Instructor, Tues. A.M. | [ ]       | [ ]          | [ ]  | [ ]  | [ ]  |

9. How would you rate the overall quality of the notebook and the handout materials?

|                                 | Excellent | Very<br>Good | Good | Fair | Poor |
|---------------------------------|-----------|--------------|------|------|------|
| Topic A, Instructor, Tues. A.M. | [ ]       | [ ]          | [ ]  | [ ]  | [ ]  |
| Topic B, Instructor, Tues. A.M. | [ ]       | [ ]          | [ ]  | [ ]  | [ ]  |
| Topic C, Instructor, Tues. A.M. | [ ]       | [ ]          | [ ]  | [ ]  | [ ]  |

Figure 3-2 Continued

10. How much additional information do you feel that you need about the topics presented in the program?

|                                 | No need for the topic in the first place | No need for additional information | Need some additional information | Need much additional information |
|---------------------------------|--|------------------------------------|----------------------------------|----------------------------------|
| Topic A, Instructor, Tues. A.M. | [ ]                                      | [ ]                                | [ ]                              | [ ]                              |
| Topic B, Instructor, Tues. A.M. | [ ]                                      | [ ]                                | [ ]                              | [ ]                              |
| Topic C, Instructor, Tues. A.M. | [ ]                                      | [ ]                                | [ ]                              | [ ]                              |

11. How much did you know about each of the topics listed below before you attended the program ?

|                                 | I knew nothing | I knew a fair amount | I knew a great deal |
|---------------------------------|----------------|----------------------|---------------------|
| Topic A, Instructor, Tues. A.M. | [ ]            | [ ]                  | [ ]                 |
| Topic B, Instructor, Tues. A.M. | [ ]            | [ ]                  | [ ]                 |
| Topic C, Instructor, Tues. A.M. | [ ]            | [ ]                  | [ ]                 |

12. Regardless of your personal feelings about the program's topics, what is the likelihood that you will implement changes along lines suggested in the presentations?

|                                 | No changes likely | Minor changes likely | Major changes likely |
|---------------------------------|-------------------|----------------------|----------------------|
| Topic A, Instructor, Tues. A.M. | [ ]               | [ ]                  | [ ]                  |
| Topic B, Instructor, Tues. A.M. | [ ]               | [ ]                  | [ ]                  |
| Topic C, Instructor, Tues. A.M. | [ ]               | [ ]                  | [ ]                  |

13. Comments:

---



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---



---



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Figure 3-2 Continued

14. List any topics you would like to see added to this program if it were offered again.

---

---

15. List any topics you would like to see dropped from this program if it were offered again.

---

---

16. Were classroom and hotel accommodations and food satisfactory?

yes       no (please explain below if you checked "no")

---

---

**PART III. BACKGROUND INFORMATION**

YOUR RESPONSES TO THE QUESTIONS BELOW WILL BE KEPT STRICTLY CONFIDENTIAL. However, to help us better interpret the meaning of your responses, it will be very helpful if you provide the following information about yourself.

17. What is your current job title? \_\_\_\_\_

18. How long have you held this position? \_\_\_\_\_

19. Your court may best be described as (check one):

- A. A court of limited jurisdiction  
 B. A court of general jurisdiction  
 C. A juvenile or a probate court  
 D. An appellate court  
 E. Other (please specify) \_\_\_\_\_

20. About how many employees are there in your court? (check one)

- A. Less than 10  
 B. 10 to 25  
 C. 26 to 50  
 D. 51 to 100  
 E. More than 100

21. Your name (OPTIONAL): \_\_\_\_\_

**Figure 3-2a**  
**Program in Behavioral Strategies for**  
**Managing Difficult Situations**

Instructions

Please complete this form and return it to an institute representative as you leave this program. The information you give us will help us plan subsequent programs; your frankness is appreciated. It is not necessary for you to sign your name.

1. Check your job title:

- Circuit Court Assignment Clerk
- District Court Magistrate
- Probate or Juvenile Register / Deputy Register
- Court Reporter / Recorder

2. Overall, I thought the program was (check one):

- |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Excellent                | Very good                | Good                     | Fair                     | Poor                     |
| <input type="checkbox"/> |

3. Regardless of the topic's interest and value to you, how would you rate the quality of the instructors' presentation?

|              | Excellent                | Very Good                | Good                     | Fair                     | Poor                     |
|--------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Instructor X | <input type="checkbox"/> |
| Instructor Y | <input type="checkbox"/> |
| Etc.         | <input type="checkbox"/> |

4. Are there any specific suggestions you can offer to improve the manner in which the program presentation was made? You may comment upon either a specific presentation or the program delivery, generally.

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5. What one particular change would most improve this program when it is offered again?

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Figure 3-2a Continued

6. The objective of this seminar is to provide you with behavioral skills and strategies that will help you take control over difficult situations, how well did we achieve that objective?
- Not at all      1      2      3      4      5      6      Very much
7. As a result of the behavioral skills and strategies, do you believe that you can exercise more control over difficult situations?
- Not at all      1      2      3      4      5      6      Very much
8. As a result of the seminar, do you feel more confident in your abilities to control difficult situations?
- Not at all      1      2      3      4      5      6      Very much
9. As a result of this seminar, do you have an understanding of what motivates people to display difficult behaviors?
- Not at all      1      2      3      4      5      6      Very much
10. Did the program exercises help you identify your own behaviors in difficult situations?
- Not at all      1      2      3      4      5      6      Very much
11. Do you believe the behavioral strategies presented today will provide you with the tools to deescalate difficult situations in the work place?
- Not at all      1      2      3      4      5      6      Very much
12. Do you believe the behavioral strategies presented today will provide you with the tools to deescalate difficult situations in your personal life?
- Not at all      1      2      3      4      5      6      Very much

**Figure 3-2b  
Program Evaluation**

Prior to departing the program, please take a few moments to complete this evaluation and leave it with a staff member. This evaluation will greatly assist in planning for future programs. Thank you for your cooperation.

Please complete by checking the number representing the response you feel is most appropriate.

**I. General Evaluation**

**1. Preregistration Procedures**

Poor Fair Excellent  
 1       2       3       4       5

Comments: \_\_\_\_\_

**2. Program Registration**

Poor Fair Excellent  
 1       2       3       4       5

Comments: \_\_\_\_\_

**3. Hotel Registration**

Poor Fair Excellent  
 1       2       3       4       5

Comments: \_\_\_\_\_

**4. Program Organization**

Poor Fair Excellent  
 1       2       3       4       5

Comments: \_\_\_\_\_

**5. Subject Content at Program**

Poor Fair Excellent  
 1       2       3       4       5

Comments: \_\_\_\_\_

**6. Service by Program Staff**

Poor Fair Excellent  
 1       2       3       4       5

Comments: \_\_\_\_\_

Figure 3-2b Continued

**II. Rating the Faculty Members**

Instructor's Name: \_\_\_\_\_

How would you rate this instructor's:

1. Knowledge of the subject matter?

Adequate  
[ ] 1      [ ] 2      [ ] 3      [ ] 4      Great  
[ ] 5

Comments: \_\_\_\_\_  
\_\_\_\_\_

2. Organization of his or her presentation?

Disorganized  
[ ] 1      [ ] 2      [ ] 3      [ ] 4      Well  
[ ] 5      Organized

Comments: \_\_\_\_\_  
\_\_\_\_\_

3. Choice of issues to be discussed?

All were  
Unimportant  
[ ] 1      [ ] 2      [ ] 3      [ ] 4      All were  
[ ] 5      Important

Comments: \_\_\_\_\_  
\_\_\_\_\_

4. Manner of presentation?

Dull  
[ ] 1      [ ] 2      [ ] 3      [ ] 4      Most  
[ ] 5      Interesting

Comments: \_\_\_\_\_  
\_\_\_\_\_

5. Ability to encourage students to ask questions, disagree and express their ideas?

Little  
[ ] 1      [ ] 2      [ ] 3      [ ] 4      Great  
[ ] 5

Comments: \_\_\_\_\_  
\_\_\_\_\_

Figure 3-2b Continued

6. Answers to students' questions?

Not  
Helpful

[ ] 1

[ ] 2

[ ] 3

[ ] 4

Very  
Helpful

[ ] 5

Comments:

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7. Overall teaching ability?

Unsatisfactory

[ ] 1

[ ] 2

[ ] 3

[ ] 4

Excellent

[ ] 5

Comments:

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8. This instructor's greatest strengths seem to be:

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9. This instructor might improve his/her teaching by:

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**Figure 3-2c**  
**Conference Evaluation**

|   |  | Importance of Topic |   |   |   |   | Practical Application |   |   |   |   | Quality of Presentation |   |   |   |   | Completeness of Discussion |   |   |   |   |  |  |  |  |
|---|--|---------------------|---|---|---|---|-----------------------|---|---|---|---|-------------------------|---|---|---|---|----------------------------|---|---|---|---|--|--|--|--|
|   |  | 1                   | 2 | 3 | 4 | 5 | 1                     | 2 | 3 | 4 | 5 | 1                       | 2 | 3 | 4 | 5 | 1                          | 2 | 3 | 4 | 5 |  |  |  |  |
| <b>Instructions:</b>                                      | Please rate each topic on all dimensions using the scales provided: 1 = Low to 5 = High. |                     |   |   |   |   |                       |   |   |   |   |                         |   |   |   |   |                            |   |   |   |   |  |  |  |  |
| Legislative Discussion                                    |  |                     |   |   |   |   |                       |   |   |   |   |                         |   |   |   |   |                            |   |   |   |   |  |  |  |  |
| Discussion of Juvenile Services Officers and Coordinators |  |                     |   |   |   |   |                       |   |   |   |   |                         |   |   |   |   |                            |   |   |   |   |  |  |  |  |
| Communication Skills in the Courtroom                     |  |                     |   |   |   |   |                       |   |   |   |   |                         |   |   |   |   |                            |   |   |   |   |  |  |  |  |
| Review of Landlord/Tenant & Civil Procedures              |  |                     |   |   |   |   |                       |   |   |   |   |                         |   |   |   |   |                            |   |   |   |   |  |  |  |  |

**Figure 3-2d**  
**Judicial Writing Seminar Program Evaluation**

**I. General Information**

1. My current bench assignment is:

Court of Appeals     Court of Special Appeals     Circuit

2. How long have you been in this position?

\_\_\_\_\_ years.

3. How often do you write an opinion, non-form order or legal memorandum?

\_\_\_\_\_ per year.

4. What is the average length of your opinions?

\_\_\_\_\_ pages.

5. What other writing courses have you taken?

undergraduate composition                       legal writing  
 graduate course in writing                       judicial writing course  
 other

6. Do you write anything other than normal business/legal correspondence?

yes     no

What kind? \_\_\_\_\_

(e.g., bar journal articles, case books, personal journals, essays, news articles, etc.)

**II. Program Rating - Application**

Indicate your rating by checking the corresponding number on a five-point scale:  
1=strongly disagree, 2=disagree, 3=no opinion, 4=agree, 5=strongly agree.

1. It is possible to transfer the writing skills learned in this program to the kind of writing I do as a judge.

1               2               3               4               5

Figure 3-2d Continued

2. I intend to change the way I write as a result of this course.  
 1       2       3       4       5

3. I will be submitting another writing sample to my group facilitator for feedback.  
 1       2       3       4       5

**III. Instructor Rating and Methodology**

1. How well did your facilitator communicate the information necessary for you to improve your judicial writing?

|             |                          |                          |                          |                          |                          |
|-------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|             | Not Well                 |                          |                          | Very Well                |                          |
|             | 1                        | 2                        | 3                        | 4                        | 5                        |
| Professor X | <input type="checkbox"/> |
| Professor Y | <input type="checkbox"/> |
| Etc.        | <input type="checkbox"/> |

2. What value do you place upon the individual feedback you received on your pre-submitted writing sample?

|             |                          |                          |                          |                          |                          |
|-------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|             | Not Valuable             |                          |                          | Very Valuable            |                          |
|             | 1                        | 2                        | 3                        | 4                        | 5                        |
| Professor X | <input type="checkbox"/> |
| Professor Y | <input type="checkbox"/> |
| Etc.        | <input type="checkbox"/> |

3. What value do you place upon the class writing exercises?

|                            |                            |                            |                            |                            |
|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| Not Valuable               |                            |                            | Very Valuable              |                            |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |

4. What value do you place upon the feedback from your fellow judges?

|                            |                            |                            |                            |                            |
|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| Not Valuable               |                            |                            | Very Valuable              |                            |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |

**IV. Facilities Evaluation, General Comments, and Program Suggestions:**

1. If you stayed overnight, please rate the hotel.

|                            |                            |                            |                            |                            |
|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| Poor                       |                            |                            |                            | Excellent                  |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |

**Figure 3-2d Continued**

2. Rate the support services provided by the Educational Institute.

(1) Typing and duplication:

Poor  
 1       2       3       4      Excellent  
 5

(2) Conference Room:

Poor  
 1       2       3       4      Excellent  
 5

(3) Location:

Inconvenient  
 1       2       3       4      Convenient  
 5

(4) Date of the course:

Bad Time of Year  
 1       2       3       4      Good Time of Year  
 5

3. If you have any recommendations for future courses in writing or any other topic, please share your ideas.

| Topic | Recommended Instructor |
|-------|------------------------|
| _____ | _____                  |
| _____ | _____                  |
| _____ | _____                  |
| _____ | _____                  |

4. If you have any suggestions as to how to improve this course, please share your ideas with us.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Figure 3-2e  
Program Evaluation

Topic:                     Judicial Ethics and Conduct                    

1. You are a judge of the following court: (check one)

- |   |  |
|---|--|
| <input type="checkbox"/> Circuit Court  | <input type="checkbox"/> Municipal Court |
| <input type="checkbox"/> District Court | <input type="checkbox"/> Probate Court   |

2. How much did you know about the topic before you came to this program?  
(Please check the number on the scale that best describes your thoughts)

- |                            |                            |                            |                            |                            |                        |
|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|------------------------|
| I knew<br>a little         |                            |                            |                            |                            | I knew a<br>great deal |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |                        |

3. How much did you gain from this topic?

- |                            |                            |                            |                            |                            |                          |
|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|--------------------------|
| I gained<br>very little    |                            |                            |                            |                            | I gained a<br>great deal |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |                          |

4. The information presented will be of practical value to me:

- |                            |                            |                            |                            |                            |                   |
|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|-------------------|
| Strongly<br>disagree       |                            |                            |                            |                            | Strongly<br>agree |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |                   |

5. What was of the most value to you?

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Figure 3-2e Continued

6. Regardless of the topic's interest or value to you, how would you rate the faculty presentation?

|             | Poor |     |     |     | Excellent |
|-------------|------|-----|-----|-----|-----------|
|             | 1    | 2   | 3   | 4   | 5         |
| Professor X | [ ]  | [ ] | [ ] | [ ] | [ ]       |
| Professor Y | [ ]  | [ ] | [ ] | [ ] | [ ]       |

Judicial Conduct and Ethics Discussion Groups

7. The information presented in the discussion group will be of practical value to me.

| Strongly disagree |       |       |       |       | Strongly agree |
|-------------------|-------|-------|-------|-------|----------------|
| [ ] 1             | [ ] 2 | [ ] 3 | [ ] 4 | [ ] 5 |                |
|                   |       |       |       |       |                |

Comments:

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8. The hypothetical problems were of value in focusing on the problems I am likely to encounter in the transition process.

| Strongly disagree |       |       |       | Strongly agree |
|-------------------|-------|-------|-------|----------------|
| [ ] 1             | [ ] 2 | [ ] 3 | [ ] 4 | [ ] 5          |
|                   |       |       |       |                |

Comments:

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9. On the scales below, please rate the faculty leader for your group on the ability to facilitate the discussion toward meaningful objectives.

|              | Poor |     |     |     | Superior |
|--------------|------|-----|-----|-----|----------|
|              | 1    | 2   | 3   | 4   | 5        |
| Judge A      | [ ]  | [ ] | [ ] | [ ] | [ ]      |
| Magistrate B | [ ]  | [ ] | [ ] | [ ] | [ ]      |

10. Additional Comments:

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**Figure 3-3**  
**Learning Assessment (EXAMPLES OF QUESTIONS)**

The following are samples of types of questions that can be used to assess learning. They are not intended to bear any resemblance to reality, to existing or planned courses, and one should not assume that they necessarily have correct answers.

Generally, items 1-4 test participant recall of course purposes; items 5-9 measure recall of specific items of knowledge; and items 10-11 begin to address understanding. If seeking to measure learning in any programs, attention should be given to measures of both recall and understanding.

True-False, Multiple-Choice, and/or Matching items are all more or less appropriate for these kinds of issues. In items 1-4 these are used to see if participants have some recall of the focus of the program or its sections. Recall may be simple or more complex as in question #4 for example, the Thursday morning training session may have five options which best represents the focus or purpose of the session.

Items 5-9 are examples of items primarily concerned with recall, but there may well be an attempt in some of these to measure understanding as well. For example, item #9 could be answered from a strict recall perspective, assuming foils A-D were discussed in class. But let us assume that foil D was not or that trainees could not remember. They would still be able to answer the questions correctly using part recall and part understanding because if foil A is correct then logically foil D must be incorrect.

**Specific Examples**

**Recall of Program Purposes**

1.      T    F   The primary purpose of this program was to develop mid-level management skills in planning.
  
2.     The primary purpose of this course was:
  - A. To bring us up-to-date on new ideas and procedures.
  - B. To instruct us on the methods of putting new programs into operation.
  - C. To provide us with information necessary for us to train people in our respective courts.
  - D. To promote changes in our courts.

Figure 3-3 Continued

3. Which of the following represent primary purposes of this course?
- Yes     No    To help us bring our courts into closer compliance with federal anti-discrimination legislation.
- Yes     No    To provide a focus for participants to exchange viewpoints on court-related programs.
- Yes     No    To instruct participants on the methods of designing court-salary schedules.
- Yes     No    To make participants aware of the factors involved in administering an equitable court-salary structure.
4. The primary purpose of the Thursday morning session on job interviewing techniques was:
- A. To give us guidelines for remaining in compliance with federal anti-discrimination legislation.
- B. To provide us with methods for determining whether applicants are honest.
- C. To detail provision of Public Law 3746.
- D. To give us guidelines for avoiding potential grievances from job applicants.

**Recall of Specific Items of Knowledge**

5.  T     F    One-Trial/One Day means that a juror will only need to spend one day on jury duty when called.
6.  T     F    The Federal Equal Pay for Equal Work Legislation means that if two employees do essentially the same job, they must be compensated equally regardless of other factors.
7. H. R. 1219 (The New Child Abuse Legislation ) concerns:
- A. Juvenile Court child-abuse investigation procedures.
- B. Training requirements for juvenile court case workers.
- C. Defines child abuse.
- D. Places new restrictions on Probate Courts to hear child abuse cases.
- E. None of the above.

Figure 3-3 Continued

8. Under present law, child abuse is defined as:
- A. Physical abuse of children with evidence of bodily harm.
  - B. Physical abuse witnessed, but no necessity to demonstrate bodily harm.
  - C. Mental abuse.
  - D. Physical or mental abuse endangering the well-being of the child.
  - E. B and D of the above.
9. The Jury Utilization Index (JUI):
- A. Compares the number of jurors called to the number of jurors used.
  - B. Has a generally acceptable index level of .23.
  - C. Is cost effective only for the largest of courts.
  - D. Cannot be used as a measure of jury-selection efficiency.
  - E. All of the above.
  - F. None of the above.
10. Assume that you are a court administrator in a court employing approximately 100 people under 12 different job classifications. Assume further that there are three pay categories and that each pay category has four job classifications attached to it. You should:
- A. Assign a different pay rate to each job classification.
  - B. Carefully rewrite the 12 job classifications into three general categories.
  - C. Do nothing unless several employees begin to complain.
  - D. Institute a personnel job performance evaluation form and set pay according to levels of performance.
  - E. Determine which jobs are most important for your organization and rank pay for these jobs accordingly.
  - F. C and D.
  - G. None of the above.
11. You have been requested by your funding authority to submit a 95% budget for next year. You should:
- A. Take the current year budget and add 5% to each line-item category.
  - B. Take the current year budget and subtract 5% from each line-item category.
  - C. Submit the current year budget plus increases to cover inflation.
  - D. Set program priorities and suggest that cuts will be made programmatically.
  - E. Ignore the directive and submit a budget request which reflects what the court needs in order to meet design specifications.

**Figure 3-4a**  
**Action Planning Guide (Behavioral Intentions)**

Confidential

Your Name: \_\_\_\_\_

**Directions:** In this program we have covered several topics such as (list topics and subtopics previously given in Figure 3-2).

We are interested to know what use you may try to make of the material we have covered and the things you have learned.

This Action Planning Guide asks you to consider one or more changes that you intend to make in the way you do things on the job or in the way that your court operates, based on what you have learned in this program. In doing so, consider the various topics covered during this program. Also, for each intended change, please stop to think if there will be difficulties in implementing the change; if so, let us know what you think these will be. Finally, what results would you expect if you successfully implemented the change?

One change I will try to make is:

What major obstacles, if any, do you foresee in attempting to make this change?

If you are able to implement the change, what major results for you or your court would you expect?

Another change I will try to make is:

What major obstacles if any do you foresee in attempting to make this change?

If you are able to implement the change, what major results for you or your court would you expect?

\*\*\*\*\* If you have more changes in mind, use another sheet \*\*\*\*\*

**Figure 3-4b**  
**Action Planning -- Behavioral Intentions**

The purpose of this form is to help you make specific plans for incorporating what you have learned in the seminar to your role as a manager in the court. The more specific you can be, the better your planning.

1. For me, the best idea(s) to come out of this seminar was (were):  
\_\_\_\_\_  
\_\_\_\_\_
2. Here is how I will use one of these ideas to increase my effectiveness as a manager in today's court system:  
\_\_\_\_\_  
\_\_\_\_\_
3. By using this idea, I hope to achieve these results:  
\_\_\_\_\_  
\_\_\_\_\_
4. There are some things that might hinder my use of this idea. They are:  
\_\_\_\_\_  
\_\_\_\_\_
5. There are some things that will facilitate my use of this idea. They are:  
\_\_\_\_\_  
\_\_\_\_\_
6. These are my plans for overcoming problem areas ( question 4 above) and increasing the effect of facilitating factors (question 5 above):  
\_\_\_\_\_  
\_\_\_\_\_
7. There are some people whom I can probably count on to help me with this idea. They are:  
\_\_\_\_\_  
\_\_\_\_\_

Your Name: \_\_\_\_\_  
Your Court: \_\_\_\_\_

**Figure 3-5**  
**ACTION PLANNING WORKSHEET**

**WHAT PROBLEM DO YOU SEEK TO ADDRESS?** (See the attached directions, but at minimum, define your problem as concretely as possible).

**WHAT IS YOUR GOAL?** (See the attached directions, but at minimum, describe the practical outcomes you would like to achieve in terms of volume, timing and quality indicators.)

**WHAT HAVE BEEN (OR ARE) THE PRINCIPAL IMPEDIMENTS TO YOUR ACHIEVING THIS OUTCOME?**

Figure 3-5 Continued

WHAT DO YOU PROPOSE DOING TO SOLVE THIS PROBLEM OR ACHIEVE THIS GOAL? (Describe your general approach or strategy here.)

WHO OR WHAT IS LIKELY TO OFFER RESISTANCE TO YOUR GENERAL PLAN?

**Figure 3-5 Continued**

**WHICH ORGANIZATIONS AND PEOPLE, BOTH INSIDE AND OUTSIDE YOUR ORGANIZATION, WILL BE CRITICAL TO THE SUCCESS OF THIS STRATEGY?**

**WHAT DO YOU REQUIRE OF THESE ORGANIZATIONS OR INDIVIDUALS? (e.g., from passive support to actual work or activity on their parts--please consider what each of these key organizations and individuals must do)**

**WHAT CRITERIA WILL YOU USE TO DECIDE (MEASURE) WHETHER YOUR PLAN HAS BEEN SUCCESSFUL?**



Figure 3-5 Continued

## DIRECTIONS FOR COMPLETING FIGURE 3-5 WORKSHEETS

### **What Problem or Goal Is Addressed:**

If identifying a problem(s), describe it in concrete terms. Quantitative data would be helpful in this regard (e.g., giving some sense of the size or magnitude and growth of the problem, who is affected and how, etc.). It might also be helpful to describe the problem in terms of the difference between what the present and preferred situations are (the difference between what you have now and what you would like to have). If an objective or goal is referenced, also be as precise as possible. A work program which addresses multiple goals or problems has added attraction. Be concrete with regard to stating goals, make sure that your goal statements at minimum are clear about how much (of what) is to be accomplished by when.

### **Principal Impediments**

Consider why you have not tackled this problem or goal in the past; any particular reason why you have not? Or, if you have attempted to do something in the past, what offered resistance? Will any of these factors continue to be relevant? If so, what can you do to counteract these impediments.

### **Describe Your General Strategy or Solution (What do you propose doing generally):**

Provide an overview of the programs or activities that you intend to implement; that is, once your "solution" is operational what will be its principal features.

### **Key Organizations/Individuals and Important Actions**

Identify the key organizations and individuals who will be critical to the success of your project. Include individuals from both within and outside the court. You may also wish to consider how you will initially gain their cooperation or participation. Be specific about what these key organizations and individuals must do in order for your project to be successful.

### **Evaluation Criteria**

Briefly indicate the criteria you will use to judge the success of your project. In other words, what will you count or measure, or how will you know whether your project was successful or not.

### **Project Tasks and Responsible Individuals**

List in rough chronological order the important specific tasks that must be performed in order to bring your project from the initial stages of planning to fully operational or implemented. Think about the key tasks that must happen, roughly in what order, by when, and who is responsible to complete the task. For each individual task identified, also indicate the period of time over which the task activity will take place.

**Figure 3-6a**  
**Assessing Job-Behavior Changes**

Confidential

Your Name: \_\_\_\_\_

When you attended the \_\_\_\_\_ program held in \_\_\_\_\_ last \_\_\_\_\_, you filled out an Action Planning Guide, telling us what you hoped to change as a result of what you learned at the program. Now we would like to know if you have been able to try any of these changes. Here, as before, the only people who will see your specific answers are you and the programming staff person in charge of program evaluations. We appreciate your help in letting us know how you have been able to use your training so that we can improve our programs in the future.

**PART I:**

Here is what you said at the end of the training program. What we would like you to do is read what you wrote and answer some questions about each of your statements.

1. One change you said that you would try to make was: (insert statement)

A. Have you done this? [ ] Yes [ ] No

Comment:

\_\_\_\_\_  
\_\_\_\_\_

B. If you have made the change, what difference did it make or what results did it produce?

\_\_\_\_\_  
\_\_\_\_\_

C. If you have not been able to make the change, what has prevented you from doing so?

\_\_\_\_\_  
\_\_\_\_\_

D. With regard to these impediments, what additional topics or issues could have been included in the program that might have helped?

\_\_\_\_\_  
\_\_\_\_\_

(Repeat above, and as many times as required to cover the participant's list)

**Figure 3-6a Continued**

**PART II:**

2. Are there any other changes related to the subject matter of the program that you have made or have attempted to make after you returned from the program?

Yes       No

If yes, what changes and what happened?

---



---



---

3. Finally, we would like to ask you again for your overall evaluations of the various program topics now that you have returned to your jobs and have had time to reflect on the program.

How would you rate each program topic on personal interest and value to you on your job?

|                                    | No personal<br>interest<br>or job<br>value | Personally<br>interesting<br>but no job<br>value | No personal<br>interest but<br>of job<br>value | Has both<br>personal<br>interest and<br>job value |
|------------------------------------|--|--|--|---|
| Topic A, Instructor,<br>Tues. A.M. | [ ]  | [ ]  | [ ]  | [ ]   |
| Topic B, Instructor,<br>Tues. A.M. | [ ]  | [ ]  | [ ]  | [ ]   |
| Topic C, Instructor,<br>Tues. A.M. | [ ]  | [ ]  | [ ]  | [ ]   |

**Figure 3-6b**  
**Three Month Follow-Up Assessment**

**EFFECTIVELY MANAGING COURT PROJECTS AND EMPLOYEES SEMINAR  
PARTICIPANT FOLLOW-UP REPORT FORM**

Approximately three months ago you attended this program. At this time, you developed a Program Planning Chart which scheduled each step in the implementation of your project. In order to evaluate the contribution of this program to your implementation efforts, please complete and return this form to us.

1. Describe your efforts to implement your project as planned at the time:

---

---

2. What worked, and why?

---

---

3. What did not work, and why?

---

---

4. How accurate was your prediction of your court's readiness to accept your ideas? What factors (positive and negative) occurred that were not anticipated?

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5. What tasks, if any, must still be completed on your project, and what are your plans in this regard?

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6. In retrospect, what were the major benefits of your attendance at the program?

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7. Comments:

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## **APPENDIX B**

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