An Evaluation of the Judicial Branch Education Programming Response to Contemporary Court Challenges

JERITT Monograph Fourteen

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This monograph is an evaluative piece intended to disseminate a quasi-"performance appraisal" of the judicial branch education's programming response to internal and external challenges to contemporary courts. Therefore, this piece inevitably reflects the unyielding efforts of countless individuals for whom special acknowledgement is deemed appropriate − if not a necessity.

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Catharine M. White

Vision without action is a daydream. Action without vision is a nightmare.
-Japanese Proverb-

INTRODUCTION

The quintessential adage "talk is cheap" inevitably resounds when any organization or agency, including those designed to administer judicial branch education, convenes, deliberates, and/or produces a strategic plan or agenda for embarking upon change, revolutionary or otherwise. Production of a strategic plan, however, is but one significant component of the change process. The "talk is cheap" adage certainly presents itself after this particular stage of organizational change and development as often revision plans are ceased or temporarily halted. Unfortunately, many a strategic plan has been intentionally or unintentionally crumpled up and utilized for an inter-office game of pseudo-basketball, or for the environmentally-friendly, placed in a recycling container for future transformation into yet another unfulfilled strategic plan.

Change implementation is the active manifestation or response to the strategic plan. Often, change implementation is the most resource (e.g., finances, personnel, physical space, and/or time) exacting component. For this reason, initial strategic plans typically meet a premature demise − predictably at the bottom of a waste paper container. However, change does occur, if not successfully.

This qualitative, comparative piece therefore analyzes the efficiency and effectiveness of one field's particular longitudinal change response to multiple internal and external issues and challenges outlined in a strategic national agenda. Essentially, this examination assesses the degree to which a successful or unsuccessful organizational

change response has been demonstrated to ongoing pervasive challenges and issues that

were primarily outlined in a strategic national agenda and other supplementary material.

The Present Analyses

The present analyses assess the extent to which the field of judicial branch

education programming has efficiently and effectively launched a retort, *via*

programming, to those issues, challenges, and/or trends that were initially outlined in the

introductory chapter of the 2002 publication, *A National Agenda for the Future of*

Judicial Branch Education: A Synthesis of Outcomes from the National Symposium on

the Future of Judicial Branch Education and the 2004 publication, *Future Trends in State*

Courts 2004 and compared against program records maintained in the JERITT Programs

database.

Judicial branch education programming is characterized or defined in these

analyses as an interrelated system of training and/or educational opportunities designed to

meet the personal and professional needs of judges and other court personnel (i.e., clerks,

administrators, probation officers, support staff, etc.)

Methodological considerations (i.e., utilized data, measurement, and analytic

strategy) are detailed in the "Methodology" chapter (pp. 24-33) of this document.

Context

In October 1999, 315 men and women affiliated with judicial branch education

convened in St. Louis, Missouri to "discuss the issues and trends confronting the courts

and how judicial branch education can be strengthened and used as the vehicle by which

the courts meet the challenges of the future" (Conner et al., 2000, 1).

The presence of forty-eight states, the District of Columbia, the Navajo Nation, the United States territory of Puerto Rico, and multiple national organizations provided a relatively representative sample of the entire population of judicial branch education providers. Since a substantially representative sample was secured, inferences can legitimately be made regarding a general consensus of the presence of those issues, trends, or challenges presented in *A National Agenda for the Future of Judicial Branch Education: A Synthesis of Outcomes from the National Symposium on the Future of Judicial Branch Education*.

In Chapter 2 of the above referenced publication, it was predicted that, "The real value of the symposium will be measured by what happens after it" (Conner et al., 2000, 31). Thirty-seven identified teams (state or national organizations) ultimately submitted plans for future revisions to their own organization's policy, governance, infrastructure, procedures, and/or processes, in addition to submitting updates to those particular plans.

An additional intention of this piece is therefore to discern if proposed revisions to policy, governance, infrastructure, procedures, and/or processes, as indicated in *A National Agenda for the Future of Judicial Branch Education: A Synthesis of Outcomes from the National Symposium on the Future of Judicial Branch Education* were ultimately actualized in the form of an increase in judicial branch education programming. Theoretically, these revisions should be reflected in programming, as this is the universal medium for disseminating new or updated information in judicial branch education organizations. However, the translation from tangible revision to incorporation into programming is often a daunting, arduous task.

The following section of this publication therefore reviews those identified challenges or issues currently or futuristically projected to stimulate either a positive or negative alteration in judicial branch education programming, and subsequently overall court functioning.

**A REVIEW OF THEMES AND IMPLICATIONS EDUCED FROM
THE 1999 NATIONAL SYMPOSIUM ON THE FUTURE OF
JUDICIAL BRANCH EDUCATION**

In Chapter 1 ("The Symposium Conversation: Synthesis of Recurring Themes")

of *A National Agenda for the Future of Judicial Branch Education: A Synthesis of*

Outcomes from the National Symposium on the Future of Judicial Branch Education, Dr.

Maureen E. Conner, Executive Director of The JERITT Project, reiterated several themes

originally explicated by Dr. John Hudzik of Michigan State University, that promoted

intense and extensive discussion at the national symposium. These themes include global

economic integration and interdependency; cross-border population migration, labor

mobility, and multiculturalism; the impact of science and technology on everyday life;

new knowledge and the decreasing half-life of useful information; the empowerment of

ordinary people through Word Wide Web access; the empowerment of gender and racial

minorities; an aging population; the shift to a service-based and knowledge-based

economy; and decentralized management and performance planning.

The aforesaid themes were classified as external trends that contemporarily

permeate any field, including judicial branch education. Furthermore these themes

functioned to provide the fundamental context for the inception of a national agenda for

judicial branch education. Accompanying each trend was an explicit recommendation or

implication for the courts and judicial branch education or a quasi-recommendation or

implication for redress expanding beyond the scope of judicial branch education.

External Trends

Global Economic Integration and Interdependency

In reference to the impact of global economic integration and interdependency on the judicial system, it was observed and subsequently recommended that,

> "The judicial branch will be under increasing pressure to find more efficient and timely ways to resolve disputes…the courts will need to know international law and accepted business practices from around the world…Litigants from abroad will bring different cultural and legal understandings to our courtrooms, and the legal and judicial systems must learn to deal with these or suffer isolation from the international legal forum" (Conner et al., 2000, 4).

Consequently, the implications for judicial branch education include: a necessity for increased programming designed to address alternative mediums to resolve disputes (e.g., restorative justice or mediation); a necessity for increased programming designed to promote a generalized understanding of international law and business practices and the resulting impact on the American court system; and a necessity for increased programming designed to promote an understanding and practice of cultural diversity.

However, increasing programming is but one facet of meeting this monumental challenge. Programming encompassing such topics as cultural diversity must be currently or futuristically expanded to include *all* divergent groups that function, in any given capacity, be it judge, juror, or litigant, within the courts.

Cross-Border Population Migration, Labor Mobility, and Multiculturalism

In reference to cross-border population migration, labor mobility, and multiculturalism, it was observed and subsequently recommended that,

> "Multicultural competence and sensitivity will be demanded of the judicial branch, not just as a gloss over, but within the very core of judicial branch services, processes, and applications of the laws of the United States" (Conner et al., 2000, 5).

Like global economic integration and interdependency, the implications for

judicial branch education as applied to cross-border migration, labor mobility, and

multiculturalism include a necessity for increased programming designed to address

cultural diversity and the competency to manage both customers and employees of

divergent cultural backgrounds.

Programs designed around cultural diversity should encompass the definition of,

function of, implementation of, programming related to, and management of court

policies, procedures, and processes that are received and delivered by individuals of

divergent cultures.

The Impact of Science and Technology on Everyday Life

In reference to the impact of science and technology on everyday life, it was

observed and subsequently recommended that,

> "Advancements in science will impose new value dilemmas, and the courts will likely be asked to resolve these disputes as they occur. This process of resolution will likely change the way we think about intellectual property issues, copyrights, patents, patent infringements, and torts and will likely result in new crimes. Courts have science and technology experts who act in the same fashion of law clerks. The proliferation of new knowledge will require the courts to have access to such expertise on a just-in-time basis. This could result in the courts employing these individuals as consultants or employees on retainer" (Conner et al., 2000, 5).

Consequently, the implications for judicial branch education include: a

necessity for increased programming designed to promote an awareness and

understanding of such scientific advances as the utilization or reliance upon DNA (i.e.,

human cloning, genetic mapping, forensics, etc.); a necessity for increased programming

designed to update knowledge regarding intellectual property law, copyright law, patent

law, or other law-related specialization areas impacted by the presence of computing

technology; a necessity for increased programming designed to address computer

technology advancements and consequential legal ramifications; and a necessity for

increased programming designed to address the procurement and subsequent utilization

of consultants or contractual employees.

New Knowledge and the Decreasing Half-Life of Useful Information

In reference to new knowledge and the decreasing half-life of useful information,

it was observed and subsequently recommended that,

> "Employees will need to become quick and constant learners, develop a tolerance
> for ambiguity, and have a willingness to change their jobs or change what they do
> in their jobs. Courts will need to be involved in continuous retooling and
> upgrading of personnel at all levels" (Conner et al., 2000, 5).

Consequently, the implications for judicial branch education include: a

necessity for increased programming designed specifically for the adult, non-traditional

learner population; a necessity for programming designed to address work-related

expectations including flexibility and tolerance for the unknown or unspecified; and a

necessity for increased programming designed to address personnel training, hiring,

promotion, and/or demotion.

The Empowerment of Ordinary People through Word Wide Web (WWW) Access

In reference to the empowerment of ordinary people through World Wide Web

access, the following was observed and subsequently recommended,

> "As citizens become more accustomed to receiving instant service with instant
> results, there will be increasing pressure on the courts to follow suit. Traditional
> courts will be pressed to become e-courts" (Conner et al., 2000, 6).

Consequently, the implications for judicial branch education include: a

necessity for increasing programming designed to acquaint or familiarize court personnel

with new computer technology, in addition to increasing programming designed to

update existing computer technology knowledge, and modifications to the existing

management of courts and court personnel resulting from those technological

advancements.

The Empowerment of Gender and Racial Minorities

In reference to the empowerment of gender and racial minorities, the following

was discerned,

> "Women and racial minorities are gaining real power and influence through
> increased access to information and opportunity. They are increasing in numbers
> in executive and other powerful positions in society with a resultant increase of
> influence on the middle and upper classes. As they expand their place in society,
> they will likely become involved in more court actions. Thus they will demand
> and win greater racial neutrality within the entire criminal justice system"
> (Conner et al., 2000, 6).

Interestingly, the publication, *Issues and Trends in Judicial Branch Education*

2005 (White and Conner, 2005), identified the gender and racial/ethnic composition of

judicial branch education management and found that while women embrace a significant

percentage of management or executive positions, minority/ethnic representation remains

virtually nonexistent.

In retrospect, women have "gained real power and influence" (Conner et al.,

2000, 6) in judicial branch education, but maintenance of the status quo emerges

pertaining to the lack of minority voices and experiences.

Consequently, the implications for judicial branch education include a

necessity for increasing programming designed for the presence of

multiracial/multiethnic and multicultural personnel, at all levels, in addition to the

presence of "consumers" who inevitably represent the "kaleidoscope" of diversity.

An Aging Population

In reference to an aging population, the following was observed and subsequently

concluded,

> "Issues involving the elderly will occupy more of the courts time. Issues such as
> the right to die, equal access to medical treatment, and determining the limits of a
> right to medical treatment will result in more legal focus on these issues from the
> local court to the Supreme Court". Furthermore, "As the workforce becomes
> older, the judicial branch will need to pay attention to attracting and retaining
> older employees" (Conner et al., 2000, 6).

Consequently, the implications for judicial branch education include: a

necessity for increased programming designed around issues of aging (e.g., elder abuse)

and the elderly, including those specific issues (e.g., euthanasia or health care) outlined in

the preceding excerpt. Additionally, there exists a need for increased programming

designed to address the unique employment-related needs and expectations of the senior

population.

Shift to a Service-Based and Knowledge-Based Economy

In reference to the shift to a service-based and knowledge-based economy, the

following was observed and subsequently recommended,

> "The judicial branch will have to pay more, provide more benefits, and invest in
> ongoing training to keep good employees and to bring marginal employees up to
> higher performance standards" (Conner et al., 2000, 7).

Consequently, the implications for judicial branch education include: a necessity

for increased programming designed to address the adequacy of employee compensation

and benefits; a necessity for programming designed to address effective personnel hiring,

training, and retention techniques; and a necessity for increased programming designed to

improve the performance of employees who exhibit sub-standard or sub-par work

behavior or product.

Decentralized Management and Performance Planning

In reference to the shift to a service-based and knowledge-based economy, the following was conveyed,

> "Courts will have to find new ways to reward and motivate employees for superior performance…Cross training and taking advantage of the need for continuous employee education to acquire new knowledge and techniques…Line employees will need new education and training to make them proficient…" (Conner et al., 2000, 7).

Consequently, the implications for judicial branch education include: a necessity for increased programming designed to address motivating and inspiring current and future employees; a necessity for increased programming designed specifically to address decision-making; and a necessity for programming designed specifically to address cross training and/or the need for a continuous, multi-faceted education curriculum.

Internal Trends

National symposium attendees further acknowledged the probable consequences or ramifications of additional internal court challenges or trends. The probable consequences or ramifications result from such internal trends as solving social ills, alternatives to traditional modes of dispute resolution, the increase in pro se cases, changing public expectations of the role of the judge and the court, diminishing resources (e.g., money, time, personnel, and/or physical facilities), and a pervasive ideology that is resistant to change.

Solving Social Ills

In reference to the challenge of solving social ills, it was purported that,

> "The demand for specialized courts, such as family, drug, and elder courts, demonstrates that society believes that the courts can and should offer services related to treating and curing problems of the human condition. The resultant effect is that the traditional role of the judge has changed from just a decision

maker to a decision maker and caseworker. Thus the court organization becomes a blend of social service provider and legal institution" (Conner et al., 2000, 8).

Consequently, the implications for judicial branch education include: a necessity for increased programming designed to address the dynamic intricacies of specialized courts (e.g., budget and finances, specialized personnel, target populations, etc.); a necessity for increased programming designed to address the transformative role of the judge in legal proceedings; and a necessity for increasing programming designed to acquaint court personnel with the default acquisition of additional roles as counselors, arbitrators, etc. and the resultant responsibilities that accompany these roles.

Alternatives to Traditional Modes of Dispute Resolution

In reference to the challenge of alternatives to traditional modes of dispute resolution, it was purported that,

> "The public is becoming increasingly disenchanted with the courts and is reevaluating the conventional wisdom that the adversarial system is the best way to solve disputes and seek justice" (Conner et al., 2000, 8).

Consequently, one implication for judicial branch education is a necessity for increasing programming designed to instill, foster, and nurture public trust and confidence. It was further observed that,

> "Dissatisfaction with the courts is likely a large part of why the public wants alternative mechanisms for solving disputes…Realization of the need for a variety of alternative dispute resolution possibilities also gives rise to the notion that there are different forms of justice. Therapeutic, or restorative justice, is an alternative concept of justice that is gaining currency because it appears to encompass many of the qualities the public is looking for, and does not find in the adversarial process" (Conner et al., 2000, 9).

Consequently, an additional implication for judicial branch education is a necessity for increased programming designed to address therapeutic or restorative justice. Additionally,

"Mediation, arbitration, conciliation, and other methods are used by a growing and diverse group of disputants in hopes of getting a more timely, less costly, and more satisfying result" (Conner et al., 2000, 9).

Thus, a final implication for judicial branch education that is categorized under the rubric of alternatives to traditional modes of dispute resolution is a necessity for increased programming designed to address the multiple emerging forms of alternative dispute resolution.

Increase in Pro Se Cases

In reference to the challenge of an increase in pro se cases, it was observed that,

"More individuals are coming to court without attorneys…From case filings through dispositions, court employees and judges spend more time assisting individuals with filing and managing their cases" (Conner et al., 2000, 10).

Consequently, one implication for judicial branch education is a necessity for increased programming designed to address the role and related functions of court personnel and judges when assisting pro se litigants navigate the procedural court process.

Changing Public Perceptions of the Role of the Judge and the Court

In reference to the challenge of changing public expectations of the role of the judge and the court, it was maintained that,

"Now, the courts have become places where society expects all ills and personal traumas to be solved…This trend has ramifications for the training and education of judges, their professional identify and affiliations, and perhaps the meaning they find in their work. The same is likely true for other employees who were drawn to the courts because of their legal mission and judicial culture" (Conner et al., 2000, 11).

Consequently, the implications for judicial branch education include a necessity for increased programming designed to address the evolving nature of work

roles and subsequent personal and professional identities for both judges and court personnel. This implication thus suggests a complete modification of existing training and instructional practices.

Diminishing Resources

The internal trend of diminishing resources (e.g., money, time, personnel, and facilities) should not be a new revelation to the judicial branch education audience. Of all the identified challenges, diminishing resources ultimately inflicts the deepest, often irrecoverable wounds.

Money.   In reference to the challenge of scarce finances, it was noted that,

> "Courts barely receive enough for current operations, to say nothing of what they will need to function in this new environment. Courts are looking for more ways to be efficient, thus reducing their operating costs. Over the past 20 to 30 years a myriad of changes have taken place to reduce costs, such as active caseflow management and docket control, greater degrees of automation, reduction of staff, and professional management of the courts" (Conner et al., 2000, 11).

Consequently, the implications for judicial branch education include: a necessity for increased programming designed to address budgets and finances within a context of insufficiency; a necessity for increased programming designed to address caseflow management and docket control within a context of insufficiency; a necessity for increased programming designed to address automation within a context of insufficiency; a necessity for increased programming designed to address "staffing" within a context of insufficiency; and a necessity for increased programming designed to address challenges (including subsequent ramifications) resulting from the "professionalization" of court management.

Time. In reference to the challenge of time, it was observed that,

"Keeping up with daily activities consumes all of our valuable time. Thus, planning for the future is more often viewed as a luxury as opposed to a necessity. At best, this keeps the courts operating in a knee jerk and, at worst, in a state of perpetual crisis management" (Conner et al., 2000, 12).

Consequently, the implications for judicial branch education include a necessity for increased programming designed to address time management and an increase in programming designed specifically to address strategic or futures planning.

Personnel. In reference to the challenge of personnel, it was observed that,

"…courts are confronting the obligation to employ and train the old workforce until the age of retirement while recruiting and training the new workforce for the courts of the future. During the last two to three decades, court operations have become more technologically and legally complicated and, in many cases, the old workforce is not suited to meet current demands, to say nothing of future demands" (Conner et al., 2000, 11).

Consequently, the implications for judicial branch education include a necessity for increased programming designed to address the unique professional needs of adult workers/learners who demonstrate substantial employment longevity and a necessity for programming designed to address the unique professional needs of the "new workforce" that do not possess extensive employment longevity.

An overarching, generalized implication becomes readily apparent: the *"one size fits all"* adage certainly relinquishes any perceived future applicability. Programming must be designed and furnished in a manner that is reflective of the status and needs of specialized groups (e.g. senior vs. junior personnel) and not in a "universal" blanket approach.

Facilities. In reference to the challenge of court facilities, the following was remarked,

"The lack of ample space has been another long-standing challenge for the courts…If the courts are to meet the new world, they will likely have to

decentralize, which means more and more smaller physical facilities situated within individual neighborhoods and communities. Or the courts will need to enter neighborhoods, communities, and other countries as virtual courts" (Conner et al., 2000, 12).

Consequently, the implications for judicial branch education include: a necessity for increased programming designed to address facilities management within a context of insufficient space; a necessity for increased programming designed to address the process of decentralization; and a necessity for increased programming designed to address the development and implementation of virtual courts.

Resistance to Change

French writer and satirist Voltaire once commented, "It is difficult to free fools from the chains they revere". The applicability of this dated observation of human behavior to contemporary transformation within judicial branch education is indisputable.

In reference to the challenge of an all-pervasive resistance to change, it was maintained that,

> "While judges, court administrators, and personnel may complain about the structures and procedures in place, they do not necessarily want to change them" (Conner et al., 2000, 13).

This resistance to change thus poses programming complexities. According to the publication, *Issues and Trends in Judicial Branch Education 2005*, the mean age of judicial branch education management personnel, for example, was 50 years (minimum age = 32 years, maximum age = 62 years). The underlying question, "How can programming address the attitude, values, and/or belief systems of a middle-aged man or women who demonstrates substantial longevity in the field of judicial branch education?", inevitably dictates any subsequent action.

Ultimately, it is not an implication that abdicates an augmentation in specific

program content, but an adjustment in the delivery mechanism. Therefore, the

implication for judicial branch education is a necessity for casting programming that is

tailored for age and experience. Likewise the programming should be cast in a delivery

mode that is non-threatening (change can be exceptionally intimidating to individuals in

middle or later adulthood), readily and easily applicable (material should be easily

transformed into action – "user-friendly"), and is illustrative of all possible perceived

benefits.

Trends Not Identified in *A National Agenda for the Future of Judicial Branch*

Education: A Synthesis of Outcomes on the Future of Judicial Branch Education

Most trends identified in the National Center for State Courts' *Future Trends in*

State Courts 2004 were similarly aligned with those trends identified in *A National*

Agenda for the Future of Judicial Branch Education: A Synthesis of Outcomes on the

Future of Judicial Branch Education.

However, several themes emerged from the National Center for State Courts'

supplementary material that were not explicated in *A National Agenda for the Future of*

Judicial Branch Education: A Synthesis of Outcomes on the Future of Judicial Branch

Education. The themes include: the Politicization of the Judicial Branch/Challenges to

Judicial Independence; Hot-Button Issues and Interbranch Relations; themes pertaining to

Jury Reform, and themes encompassing issues of Security and Civil Liberties. With the

exception of the challenge to security and civil liberties, the lack of acknowledgment of

the three remaining trends in *A National Agenda for the Future of Judicial Branch*

Education: A Synthesis of Outcomes on the Future of Judicial Branch Education warrants

discussion. These trends (the Politicization of the Judicial Branch/Challenges to Judicial

Independence, Hot-Button Issues and Interbranch Relations, and Jury Reform) certainly

were exerting some degree of influence over court practice prior to 1999. Even if the

degree of influence was in an "infancy" stage, selecting not to address the current and

future impact on the courts while maintaining discussions on trends displaying enduring

longevity promoted a disservice to the judicial branch education community. Trends in an

"infantile" stage eventually progress into an "angry adult" stage. Certainly the political,

social, and economic climate was different prior to 1999. However, this differentiation of

climate should not have constrained discussion or even a brief acknowledgment.

The Politicization of the Judicial Branch/Challenges to Judicial Independence

Interestingly, the overarching theme of preserving the fundamental nature of an

independent judiciary was not acknowledged or referenced in *A National Agenda for the*

Future of Judicial Branch Education: A Synthesis of Outcomes on the Future of Judicial

Branch Education. However, the National Center for State Courts', *Future Trends in*

State Courts 2004, acknowledged and subsequently impressed upon readers the urgent

nature of this destructive trend by projecting the following ramifications:

> "There is no end in sight to the drift toward politicized courts and judicial positions. Political battles over court appointments and judicial elections focused on single issues are most likely to increase, especially given the moral and value judgement inherent in biotechnology, life sciences, and privacy issues."

> "The growing cost of judicial election campaigns will expose candidates to greater pressure from special interests. *The independence of judicial decision making will be more in question*."

> "More judges will be subject to disciplinary and impeachment proceedings."

> "More states will call for "reforms" of judicial codes of conduct and disciplinary processes."

"More states will tinker with judicial selection processes in the name of "reform." States will establish campaign conduct oversight committees to educate candidates about appropriate judicial campaign behavior, respond to candidate requests for advice about the ethics of campaign advertisements, and take the initiative to discourage or stop inappropriate campaign conduct" (Flango et al., 2004, 31).

Consequently, the implications for judicial branch education include: a necessity for increased programming designed to address judicial independence; a necessity for increased programming designed to address the process of seeking office whether by appointment or election; a necessity for increased programming designed to address the role of the judge; a necessity for increased programming designed to address the discipline, ethics, and conduct of judges; and a necessity for increased programming designed to address the function of judicial review boards.

Hot-Button Issues and Interbranch Relations

The National Center for State Courts', *Future Trends in State Courts 2004*, signaled readers to the role of courts in such identified hot-button issues as gun control, medical malpractice, prison privatization, same-sex marriage, and school funding. According to *Future Trends in State Courts 2004* the implications and subsequent ramifications for engaging in such emotionally-laden and controversial issues include:

"To minimize controversy and adverse effects from sensitive decisions, state courts will improve their communication with the public and the other branches of government. Public understanding and interbranch relations will improve."

"More efforts will be made to acquaint officials in other branches with the operations and purposes of their counterparts."

"The importance of public information officers will grow, as will the role of liaisons with other government entities."

"Public education, both in person and electronic, will increase in sophistication" (Flango et al., 2004, 18).

Consequently, the implications for judicial branch education include: a necessity for increased programming designed to address current issues of interest; a necessity for increased programming designed to address communication with the public; and a necessity for programming designed to address interagency or intergovernmental (interbranch) relations.

Jury Reform

Future Trends in State Courts 2004 evaluated four themes categorized under the general rubric of juries. These themes include jury reform, mandatory jury role in sentencing, demographics, and jury innovations that help jurors perform.

Jury Reform. In regards to jury reform, it was noted that,

> "Technically complex cases will continue to challenge the skills of the average jury, particularly with no change in current practices."

> "Significant efforts to open the jury process will likely continue, most notably in the area of jury deliberations. Likely developments are increased media coverage, particularly by TV, and sensationalism of cases and processes within courts."

> "Several reforms for jury empowerment and improvement are recommended, such as improving jury orientation; enabling juries to take notes and ask questions; providing a built-in lap t0p computer for each juror; enabling multimedia access to testimony; allowing more information to reach the jury; allowing fewer professional exemptions in jury selection; along with limited terms of service and more pay; and using lay and professional judges in "mixed juries"." (Flango et al., 2004, 54).

Mandatory Jury Role in Sentencing. In regards to a mandatory jury role in sentencing post *Ring v. Arizona*, 536 U.S. 584 (2002), it was noted that,

> "Whether juries are more or less lenient than judges remains to be seen. However, it is certain that the most immediate effect will be on voir dire, jury instructions, and juror stress. These will become more complicated because of the onus of a life-or-death is on jurors" (Flango et al., 2004, 54).

Demographics. In regards to jury demographics it was noted that,

"The ability to speak and read English is required for jury service in most jurisdictions. However, there is usually no particular test for these abilities, and the level of English varies from person to person. Sometimes the lack of skills is not apparent until the middle of the trial" (Flango et al., 2004, 55).

Jury Innovations That Help Jurors Perform. In regards to jury innovations that help

jurors perform it was noted that,

"Courts must accommodate jurors with disabilities and make jury duty more convenient for all."

"Courts are revisiting their jury instructions, making them easier to understand and more accessible (e.g., Plain English, online instructions). More courts are allowing jurors to take written instructions with them into deliberations."

"Using a neutral expert to brief jurors will increase their grasp of scientific and technological issues" (Flango et al., 2004, 56).

Consequently, the implications for judicial branch education include: a necessity

for increased programming designed to address jury reform; a necessity for increased

programming designed to address voir dire; a necessity for increased programming

designed to address jury deliberations and sequestration; a necessity for increased

programming designed to address jury selection; a necessity for increased programming

designed to address summoning and absentee jurors; a necessity for increased

programming designed to address jury instructions; a necessity for increased

programming designed to address jury reform; and a necessity for increased

programming designed to address the management of juries.

Security and Civil Liberties

Future Trends in State Courts 2004 has argued that in regards to security and civil

liberties,

"In the War on Terrorism, questions of racial and ethnic profiling and bias will pervade the criminal justice system, further complicated by federal government

refusals to accord some suspects the rights commonly recognized as elements of due process" (Flango et al., 16, 2004).

The implications for judicial branch education include a necessity for increased programming designed to address issues pertaining to racial or ethnic bias and the influence of this bias on the bestowment or violation of civil liberties.

Purpose

The intention of this piece is to provide judicial branch educators and policy-makers an initial appraisal of the programming response to internal and external trends that impact the courts and accordingly, judicial branch education since the commencement of the 1999 National Symposium on the Future of Judicial Branch Education.

This piece does not serve to condemn judicial branch education for any recognized training deficiencies. Dwindling budgets and reduction in staffing and personnel, in addition to an ideology purporting an "isolated existence" are often impenetrable obstacles that can paralyze an organization's earnest endeavors to execute an educational transformation.   A certain degree of accountability for programming curriculum is thus reallocated away from the individual organization and inextricably positioned within external public and private agencies.

However, as noted by Conner et al. in *A National Agenda for the Future of Judicial Branch Education* (2000, 3), "Changes in technology and science, the growth of the global community, the intrusion of the executive and legislative branches on the judicial branch, the public's diminishing trust and confidence in the courts, and continual funding constraints all but demand the courts do business in different ways."

Consider this product analogous to a "state of the nation" address: Where is

judicial branch education in terms of it's acquiescence to clearly identified external

social, political, technological, and economic factors or trends that contribute to the

intrinsic functioning of the courts? Likewise, where is judicial branch education in terms

of its acquiescence to internalized policies, practices, processes, factors, or trends that

also contribute to the intrinsic functioning of the courts?

METHODOLOGY

Data

A National Agenda for the Future of Judicial Branch Education: A Synthesis of Outcomes from the National Symposium on the Future of Judicial Branch Education, JERITT Project

A National Agenda for the Future of Judicial Branch Education: A Synthesis of Outcomes from the National Symposium on the Future of Judicial Branch Education was the primary data source utilized in these analyses.

Specifically, the introduction of this document provided the following contextual or background data in regards to the national symposium: participant count, organizational entity representation (state or national) and explicit purpose.

Chapter 1, *"The Symposium Conversation: Synthesis of Recurring Themes,"* afforded these analyses the volume of comparative data. Direct quotations encompassing noted observations or recommendations were extracted from each identified internal and external trend and subsequently evaluated against JERITT Programs Database records.

Future Trends in State Courts 2004, National Center for State Courts (NCSC)

Future Trends in State Courts 2004 provided additional qualitative data on internal and external challenges or issues pervading American courts. This publication was utilized as supplementary material to *A National Agenda for the Future of Judicial Branch Education: A Synthesis of Outcomes from the National Symposium on the Future of Judicial Branch Education* to lend legitimacy or validity to identified themes or trends and ensuing implications.

A product of the National Center for State Courts', *Future Trends in State Courts 2004* (3rd Edition) functions to "support the courts' strategic planning efforts….stimulate

thought and discussion about potentially important issues for the courts and their

solutions, not to predict the future" (Flango et al., 2004, vii).

The National Center for State Courts (NCSC) utilized the process of

environmental scanning, one observational technique routinely employed to commence

long-range and short-term planning. According to the NCSC, "Environmental scanning is

a process that attempts to identify events, trends, and developments that shape the

future…Scanning tries to understand what issues might take a court beyond its current

way of doing business" (Flango et al., 2004, vii).

Three major themes provide the organizational framework for the environmental

scan results. These three themes, "General Enterprise Domains", "Court Enterprise

Domains", and "Management Domains" provide an indication of the subject matter. For

example, content comprising the theme, "General Enterprise Domains" include such

topics as population demographics, economic conditions, science and technology,

political and government trends, cultural trends, environmental trends, and global trends.

Content comprising the theme, "General Enterprise Domains", include such topics as

performance accountability, criminal justice, civil justice, juvenile justice, family justice,

and science and technology in courts. Content comprising the theme, "Court Enterprise

Domains" include such topics as juries, personnel – workforce, budget, facilities and

security, technology, community and customer service, ethics, organization vision and

values, and information management. Each topic is subsequently reduced to various

issues related to that particular topic. It is within these particular issues that implications

for the courts emerge that provide supplementary comparison data.

JERITT Programs Database Records

"Judicial branch education programming response" (Satisfactory, Unsatisfactory, or Indiscernible – See *Analytic Strategy*) was measured by the existence of a detectable increase or decrease in the total annual program count during the years 2000, 2001, 2002, 2003, and 2004. The total annual program count data (or aggregated data) was secured from The JERITT Programs Database. JERITT maintains information on judicial branch education programs conducted in the United States and several other countries. The programs database currently contains over 10,000 judicial branch education programs from 1990 to present.

For these analyses, we selected the years 2000 – 2004. Justification for only utilizing this particular range of years rather than the 15 years worth of programming records that JERITT maintains rests on the following: Again, in October 1999, the National Symposium on the Future of Judicial Branch Education was convened in St. Louis, Missouri. The purpose of this symposium, as purported by Dr. Maureen E. Conner, Executive Director of the JERITT Project, was "to discuss the issues and trends confronting the courts and how judicial branch education can be strengthened and used as the vehicle by which the courts meet the challenges of the future" (Conner et al., 2000, 1).

Six years have passed since the symposium's commencement. Therefore, this study attempts to detect quantitative changes in programming counts since, not before and not including, the year 1999.

Three specific years (2000, 2002, and 2004) were utilized in these analyses for an additional reason: to capture programming that is not offered on an annual basis.

Justification for utilizing these even years as opposed to odd years (2001 and 2003) is

based on the fact that the national symposium convened in 1999. Thus any programming

response to the challenges or issues outlined in the national agenda had an increased

probability or likelihood of being reflected in 2000.

No evaluative analyses have been conducted that ascertain whether judicial

branch education has actually met, or even rightfully acknowledged, the contemporary

challenges, in other words, those trend implications identified in *A National Agenda for*

the Future of Judicial Branch Education: A Synthesis of Outcomes from the National

Symposium on the Future of Judicial Branch Education or *Future Trends in State Courts*

2004, that courts have and will continue to confront.

Chapter 1 of *"A National Agenda for the Future of Judicial Branch Education"*

(Conner et al., 2000, 30), concludes, "….the symposium brought out an amazing level of

agreement over where the courts and judicial branch education are and where they need

to go, which is why a shared vision and national agenda could emerge. Granted both are

in their infancy, but they send a message to others in the court family, the public, and the

legislative and executive branches that the courts across this country have listened and

reflected, and **now they are ready to act.**"

The validity of the above statement thus provides the foundation for this piece. In

other words, *"Has judicial branch education, having attempted a shared vision and*

national agenda, acted in response to current and future court challenges since the

commencement of the symposium?"

Analytic Strategy

Justification for Selection of Topics Considered Representative of the Judicial Branch Education Programming Response: Face Validity

A topic was selected for representation of the judicial branch education response to a particular internal challenge or trend if it demonstrated face validity. Specifically, face validity asks the question, *"Does the program topic appear to superficially measure the challenge or trend in question?"* Face validity, in these analyses, pertains to whether the program topic "looks valid", or on the face-of-it, appears to logically measure the study topic.

Rating Structure

The judicial branch education response to the observations or recommendations noted in *A National Agenda for the Future of Judicial Branch Education: A Synthesis of Outcomes from the National Symposium on the Future of Judicial Branch Education* and/or *Future Trends in State Courts 2004* was then analyzed according to the following procedure and coding structure:

Individualized Program Topic Rating of "Satisfactory"

The individual topic employed to reflect the judicial branch education response to the issue or challenge was given a *"satisfactory"* rating if, by and large, an **overall increase** in programming could be discerned during the range of years (2000 – 2004) selected for inclusion in these analyses.

Specifically, the individual programming topic used to reflect the judicial branch education response to that particular issue or challenge must have demonstrated an increase by at least ten percent in 2002 and twenty percent in 2004 from the total program count in 2000. For example, if the total program count for the individual topic Budget

and Resources in 2000 was 100, a rating of *"satisfactory"* for that individual topic would only be achieved if the total program count in 2002 and 2004 was 110 and 120 respectively.

Individualized Program Topic Rating of Unsatisfactory

The individual topic employed to reflect the judicial branch education response to the issue or challenge was given an *"unsatisfactory"* rating if, by and large, an **overall decrease** in programming could be discerned during the range of years (2000 – 2004) selected for inclusion in these analyses.

Specifically, the individual programming topic used to reflect the judicial branch education's response to that particular issue or challenge must have demonstrated a decrease by at least ten percent in 2002 and twenty percent in 2004 from the total program count in 2000. For example, if the total program count for the individual topic Budget and Resources in 2000 was 100, a rating of *"unsatisfactory"* would only be achieved if the total program count in 2002 and 2004 was ninety and eighty respectively. Additionally, if **zero programs** were offered during the time period of 2000 – 2004, an *"unsatisfactory"* rating was ascribed.

Increment Justification

Justification for implementing a ten percent increase in programming from 2000 – 2002 and a twenty percent increase in programming from 2000 – 2004 results from the acknowledgment that within the field of judicial branch education resources are not distributed equally. Individual judicial branch education organizations increase their programming based substantially on the financial resources allocated to them at that particular time. Additionally, implementing a change in the quantity of programming is a

slow and arduous process. Therefore, the ten and twenty percent standard reflects a conservative guideline for interpretation encompassing the preceding issues.

Individualized Program Topic Rating of Indiscernible

The individual topic employed to reflect the judicial branch education response to the issue or challenge was given an *"indiscernible"* rating if, by and large, **no distinguishable increase or decrease** in programming could be detected. In other words, the programming counts for that individual topic remained "stable" during the range of years (2000 – 2004) selected for inclusion in these analyses or the programming counts could demonstrate a curvilinear pattern (both increasing and decreasing).

Multiple Topics with Divergent Ratings

The judicial branch education's response to the issue or challenge is frequently represented by multiple topics (i.e., more than one program topic is utilized for comparison). Logically, if all utilized topics receive a rating of *"satisfactory"*, *"unsatisfactory"* or *"indiscernible"* then the summated rating for all programming topics reflecting the judicial branch education's response accordingly follows suit.

However, if multiple topics demonstrate multiple ratings, then over half (fifty-percent or above) must reflect one of the three specified ratings. For example, if five programming topics (secured from the JERITT Programs Database) were utilized to reflect the judicial branch education's overall response to the challenge of "an increase in pro se cases" then three of the five cases must share an identical rating. So, for example, if three of the five programming topics received a *"satisfactory"* rating then the summated response rating would be *"satisfactory"*.

Summated Programming Response Rating of "Mixed"

A summated response rating of *"mixed"* was allocated to any challenge where fifty percent of the programming topics employed to measure that particular challenge received one particular aggregated rating (e.g. *"satisfactory"*) while fifty percent of the remaining topics received a divergent aggregated rating (e.g. *"unsatisfactory"*).

Reliability of Interpretation

Due to the subjective nature of selecting JERITT Programs Database topics to reflect the judicial branch education response to identified internal and external challenges, multiple reviewers assessed initial assessments for accuracy. Consistent interpretations were established between and among observers, thus the measurement apparatus (JERITT Programs Database) employed to gauge judicial branch education response patterns demonstrated high inter-rater reliability.

Study Limitations

The JERITT Programs Database records only indicate reported organizational programming and are not necessarily indicative of all judicial branch education organizational programming. For multiple reasons, organizations choose not to report their monthly programming endeavors to the JERITT Project. However, due to the number of organizations that do report, approximately fifty, the assertion that our sample of organizational programming is nationally representative, both quantitatively and qualitatively, is certainly a legitimate or valid one.

A National Agenda for the Future of Judicial Branch Education: A Synthesis of Outcomes from the National Symposium on the Future of Judicial Branch Education and *Future Trends in State Courts 2004* aptly identified, with specificity, those implications

projected to permeate the courts. However, actual programming topics in the JERITT

Programs Database are not labeled or titled with such specificity.

Comparative analyses were performed if the *A National Agenda for the Future of*

Judicial Branch Education: A Synthesis of Outcomes from the National Symposium on

the Future of Judicial Branch Education and/or *Future Trends in State Courts 2004*

recommendation or observation falls under the general rubric of the JERITT Programs

Database topic. Due to the lack of specificity in JERITT Programs Database topic labels,

the capacity to compare and interpret is relatively constrained. However, these analyses

assessed for a generalized judicial branch education response to the underlying theme of

each implication.

For example, *Future Trends in State Courts 2004* noted several technological

trends (e.g. weblogs) and subsequent implications for the courts. While the JERITT

Programs Database does not hold programming records related to weblogs, there are

generalized records relevant to, for example, Electronic Communications.

A final limitation of this study is the inability to gauge the total number of

organizations that reported programs to JERITT annually. It is acknowledged that there

probably exists disparity in the total number of organizations that reported annually from

2000 – 2004. Any discernable fluctuations in total programming counts may be

attributable to this scenario. Results therefore should be interpreted with some caution.

Potential Aggregated Data Issues

It could rightfully be argued that interpretation of judicial branch education

programming responses that are presented in an aggregated form seriously eclipse or

neglect the programming responses of individual organizations. Essentially, the

programming responses of individual organizations to these identified issues and

challenges are consequentially marginalized due to the summation of programming data.

RESULTS

A National Agenda for the Future of Judicial Branch Education: A Synthesis of

Outcomes from the National Symposium on the Future of Judicial Branch Education

and/or *Future Trends in State Courts 2004* both document ramifications resulting from

several overarching challenges or trends projected to or currently permeating the domain

of the American judiciary. These discernable themes or trends and subsequent outcomes

were tendered for comparison analyses against JERITT Programs Database records to

ascertain the existence of any viable general programming response from judicial branch

education in the United States. The results of these analyses are found on the proceeding

pages.

External Trends

The Judicial Branch Education Programming Response to Global Economic Integration and Interdependency

The topics and related program counts identified in Table 1 were secured to

represent the overall judicial branch education programming response to global economic

integration and interdependency. In addition to topic name and annual summated

program count, the individual rating is also presented.

As indicated in Table 1, seven of the thirteen, or fifty-four percent, of the

programming topics employed to represent the overall judicial branch education response

to global economic integration and interdependency received an *"indiscernible"* rating,

an increase or decrease in programming could not be evidently identified. *Thus, the*

overall judicial branch education response to this issue or challenge is considered

"indiscernible".

The only programming topic receiving a *"satisfactory"* response rating was

Comparative Judicial Systems which increased from five programs in 2000, to nine

programs in 2002, to thirty-three programs in 2004.

Table 1. Programming Topics Selected for Representation of the Judicial Branch Education Response to the Challenge of Global Economic Integration and Interdependency						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Comparative Judicial Systems	5	13	9	23	33	S[2]
International Law	1	1	1	10	2	I
Cultural Differences	5	13	6	14	2	I
Cultural Evidence	0	2	2	2	0	I
Diversity and Equality in Society	107	44	49	25	38	U
Impact of Migration and Immigration	0	1	0	1	6	I
Indigenous People/Cultures	20	15	8	17	8	I
Alternative Dispute Resolution	48	47	37	37	22	U
Arbitration	4	3	3	1	1	U
Conciliation	0	0	0	0	0	I
Mediation	91	47	86	52	18	U
The Role and Management of Special Courts	40	9	22	8	6	U
Restorative and Therapeutic Justice	14	12	5	21	19	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible [2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

Several of the programming topics received *"unsatisfactory"* ratings. Alternative

Dispute Resolution, Arbitration, Mediation, The Role and Management of Special

Courts, and Diversity and Equality in Society all demonstrated marked decreases since

2000. For example, Alternative Dispute Resolution decreased from forty-eight programs

in 2000 to thirty-seven programs in 2002 and twenty-two programs in 2004 while

Mediation decreased from ninety-one programs in 2000 to eighty-six programs in 2002 to

eighteen programs in 2004. Additionally, the topic of The Role and Management of

Special Courts decreased from forty in 2000, to twenty-two in 2002, to six in 2004.

Additionally, the programming topic <u>Diversity and Equality in Society</u> received an *"unsatisfactory"* rating. A substantial decrease in programming related to this topic was evidenced by a total program count of 107 in 2000, forty-nine in 2002, and thirty-eight in 2004.

The six topics receiving a rating of indiscernible include: <u>International Law</u>; <u>Cultural Differences</u>; <u>Cultural Evidence</u>; <u>Impact of Migration and Immigration</u>; <u>Indigenous People/Cultures</u>; <u>Conciliation</u>; and <u>Restorative and Therapeutic Justice</u>.

The Judicial Branch Education Programming Response to Cross-Border Population Migration, Labor Mobility, and Multiculturalism

The topics and related program counts identified in Table 2 were secured to represent the judicial branch education programming response to cross-border population migration, labor mobility, and multiculturalism. In addition to topic name and annual summated program count, the individual rating is also presented.

As indicated in Table 2, seven of the ten, or seventy percent, of the programming topics employed to represent the judicial branch education response to cross-border population migration, labor mobility, and multiculturalism received an *"indiscernible"* rating, an increase or decrease in programming could not be evidently identified. *Thus the overall judicial branch education response to this issue or challenge is considered "indiscernible".*

Three of nine, or thirty-three percent (one-third), of the programming topics however received a *"satisfactory"* rating. These programming topics include: <u>Minority Children and High Risk Children</u>, <u>Court Interpreters/Interpreting,</u> and <u>Immigration Law</u>.

Table 2. Programming Topics Selected for Representation of the Judicial Branch Education Response to the Challenge of Cross-Border Population Migration, Labor Mobility, and Multiculturalism

Representative Program Topics	Total Programming Count Per Year					Rating[1]
	2000	2001	2002	2003	2004	
Minority and High Risk Children	1	1	2	9	26	S[2]
Cultural Evidence	0	2	2	2	0	I
Cultural Differences	5	13	6	14	2	I
Managing a Diverse Workforce	12	13	7	38	65	I
Impact of Migration and Immigration	0	1	0	1	6	I
Indigenous People/Cultures	20	15	8	17	8	I
Race, Ethnic, Religion, Gender, Sexual Orientation Bias, Prejudice, & Discrimination	37	36	56	43	22	I
Court Interpreters/Interpreting	13	13	22	74	53	S[2]
Immigration law	0	3	2	3	5	S[2]
Labor Law	0	0	4	0	1	I

[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible
[2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).

Seven, or seventy-percent, of the remaining programming topics received an *"indiscernible"* rating. Programming topics receiving this rating include: Cultural Evidence; Cultural Differences; Managing a Diverse Workforce; Impact of Migration and Immigration; Indigenous People/Cultures; Race, Ethnic, Religion, Gender, Sexual Orientation Bias, Prejudice, & Discrimination; and Labor Law.

As noted by Conner et al. (2000, 5), "By 2050, there will be no majority and ethnic group in the United States." This expressed prediction unquestionably manifests itself contemporarily. Therefore, an *"indiscernible"* rating for the abovementioned programming topics was rather unanticipated. Furthermore, many of the abovementioned programming topics are considered "bread and butter" programming. Therefore, the total annual programming counts should not have exhibited the inconsistency demonstrated above.

The programming count for the topic, <u>Managing a Diverse Workforce</u> is rather noteworthy however. The initial total program count was twelve in 2000 and decreased to seven in 2002. However, a substantial increase was noted in 2004 via a count of sixty-five program offerings.

The Judicial Branch Education Programming Response to the Impact of Science and Technology on Everyday Life

The topics and related program counts identified in Table 3 were secured to represent the judicial branch education programming response to the impact of science and technology on everyday life. In addition to topic name and annual summated program count, the individual rating is also presented.

Table 3. Programming Topics Selected for Representation of the Judicial Branch Education Response to the Impact of Science and Technology on Everyday Life						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Scientific Evidence-Daubert Standard	17	26	21	18	15	I
Medical Advances and Information	4	4	1	0	2	I
Forensic Evidence-DNA	9	23	42	55	32	S[2]
Physical Evidence	0	2	1	0	2	S[2]
Psychological Evidence	6	11	3	8	2	U
Paternity	7	6	6	6	1	I
Bioethics	2	1	3	0	19	S[2]
Bioethics/Scientific Advances in Altering Human Life	5	23	24	0	21	I
Cyber Crimes	3	6	4	5	4	I
Copyright Law	1	6	2	12	2	I
Intellectual Property Law	1	0	1	2	1	I
Tort Law	1	1	0	9	6	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible [2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

As indicated in Table 3, eight of the twelve, or sixty-seven percent, of the programming topics employed to represent the judicial branch education response to the impact of science and technology on everyday life received an *"indiscernible"* rating –

an increase or decrease in programming could not be evidently identified. *Thus, the overall judicial branch education response to this issue or challenge is considered "indiscernible".*

Three, or twenty-five percent, of the twelve programming topics received a *"satisfactory"* response. These programming topics include: Physical Evidence, Bioethics, and Forensic Evidence-DNA.

One, or eight percent, of the programming topics received an *"unsatisfactory"* rating. The topic of Psychological Evidence demonstrated a marked decrease as established by the predetermined criteria.

The remaining nine, or seventy-five percent, of the programming topics received an *"indiscernible"* rating. Programming topics receiving this rating include: Scientific Evidence-Daubert Standard; Medical Advances and Information; Forensic Evidence-DNA; Paternity; Bioethics/Scientific Advances in Altering Human Life; Cyber Crimes; Copyright Law; Intellectual Property Law; and Tort Law.

The Judicial Branch Education Programming Response to New Knowledge and the Decreasing Half-Life of Useful Information

The topics and related program counts identified in Table 4 were secured to represent the judicial branch education programming response to new knowledge and the decreasing half-life of useful information. In addition to topic name and annual summated program count, the individual rating is also presented.

Table 4. Programming Topics Selected for Representation of the Judicial Branch Education Response to New Knowledge and the Decreasing Half-Life of Useful Information						
Representative Program Topics	**Total Programming Count Per Year**					
	2000	**2001**	**2002**	**2003**	**2004**	**Rating¹**
Career Development	26	12	101	22	6	I
Job Description and Classification	25	6	6	4	3	U
Training	15	57	37	26	7	I
Promotions, Demotions, and Transfers	0	6	1	3	2	S²
Interviewing New Hires or for Job Change	2	4	2	4	4	I
Motivating and Inspiring	7	15	10	25	13	S²
Faculty Development/Adult Learning and Development	146	155	89	170	47	U
Needs Assessment and Evaluation	0	1	0	4	2	I
¹ The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible ² Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

As indicated in Table 4, four of the eight, or half, of the programming topics employed to represent the judicial branch education response to the challenge new knowledge and the decreasing half-life of useful information received an *"indiscernible"* rating – an increase or decrease in programming could not be evidently identified. *Thus, the overall judicial branch education response to this issue or challenge is considered "indiscernible"*.

Two, or twenty-five percent, of the programming topics received a response rating of *"satisfactory"*. These programming topics include <u>Motivating and Inspiring</u> and <u>Promotions, Demotions, and Transfers.</u>

Two, or twenty-five percent, of the programming topics received a response rating of *"unsatisfactory"*. These programming topics include <u>Job Description and Classification</u> and <u>Faculty Development/Adult Learning and Development.</u> As fervently

abdicated as continuing professional education is the finding of an "unsatisfactory"

response appears to contract this contemporary sentiment.

The Judicial Branch Education Programming Response to the Empowerment of Ordinary People through World Wide Web (WWW) Access

The topics and related program counts identified in Table 5 were secured to

represent the judicial branch education programming response to the empowerment of

ordinary people through World Wide Web (WWW) access. In addition to topic name and

annual summated program count, the individual rating is also presented.

Table 5. Programming Topics Selected for Representation of the Judicial Branch Education Response to the Empowerment of Ordinary People through World Wide Web (WWW) Access						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Access to the Courts	8	21	34	30	40	S[2]
Electronic Information, Public Information, and Education	1	2	3	6	3	I
Electronic Communication	3	6	11	46	45	S
Acquiring, Managing, and Training of Computer and Software Technologies	186	242	262	263	238	S[2]
Electronic Courts	49	32	53	26	43	I
Managing Information Systems and Court Statistics	32	39	34	46	33	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible [2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

As indicated in Table 5, three of the six, or fifty-percent (half), of the

programming topics employed to represent the judicial branch education response to the

empowerment of ordinary people through World Wide Web (WWW) access received an

"indiscernible" rating – an increase or decrease in programming could not be evidently

identified.

The remaining half of the programming topics also received a response rating of

"satisfactory". Thus, the overall judicial branch education response to this issue or

challenge is considered "mixed".

***The Judicial Branch Education Programming Response to the Empowerment of
Gender and Racial Minorities***

The topics and related program counts identified in Table 6 were secured to

represent the judicial branch education programming response to the empowerment of

gender and racial minorities. In addition to topic name and annual summated program

count, the individual rating is also presented.

As indicated in Table 6, five of the six, or eighty-three percent, of the

programming topics employed to represent the judicial branch education response to the

empowerment of gender and racial minorities received an *"indiscernible"* rating – an

increase or decrease in programming could not be evidently identified. *Thus, the overall*

judicial branch education response to this issue or challenge is considered

"indiscernible".

Table 6. Programming Topics Selected for Representation of the Judicial Branch Education Response to the Empowerment of Gender and Racial Minorities						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Cultural Differences	5	13	6	14	2	I
Managing a Diverse Workforce	12	13	7	38	65	I
Impact of Migration and Immigration	0	1	0	1	6	I
Indigenous People/Cultures	20	15	8	17	8	I
Race, Ethnic, Religion, Gender, Sexual Orientation Bias, Prejudice, & Discrimination	37	36	56	43	22	I
Court Interpreters/Interpreting	13	13	22	74	53	S[2]
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible [2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

One, or seventeen percent, of the programming topics received a *"satisfactory"*

rating. The topic of Court Interpreters/Interpreting demonstrated a marked decrease as

established by the predetermined criteria.

The Judicial Branch Education Programming Response to an Aging Population

The topics and related program counts identified in Table 7 were secured to

represent the judicial branch education programming response to an aging population. In

addition to topic name and annual summated program count, the individual rating is also

presented.

Table 7. Programming Topics Selected for Representation of the Judicial Branch Education Response to an Aging Population						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Descendants' Estates	0	0	1	2	0	I
Wills and Trusts	0	0	0	0	0	U
Social Intervention	1	4	4	6	9	S[2]
The Role and Management of Special Courts	40	9	22	8	6	U
Conservators	4	1	4	4	3	I
Estates – Decedents: Wills, Trusts, Inheritances, and Taxes	19	8	15	12	9	U
Guardianship Proceedings	10	7	10	23	13	I
Incompetency/Mental Health Proceedings	9	7	12	11	6	I
Probate (General/Other)	43	31	53	82	46	I
Retirement (Judge)	4	3	6	7	10	S[2]
Bioethics	2	1	3	0	19	S[2]
Medical Advances and Information	7	3	0	1	0	I
Child Care and Elder Care	0	0	0	3	4	I
Retirement (Court Personnel)	11	5	6	4	3	U
Managing a Diverse Workforce	12	13	7	38	65	I
Managing a Non-Traditional Workforce	3	0	4	23	0	I
Aging/Elderly/Age Discrimination	28	4	3	3	0	U
Bioethics/Scientific Advances in Altering Human Life	5	23	24	0	21	S[2]

Table 7. Programming Topics Selected for Representation of the Judicial Branch Education Response to an Aging Population						
	Total Programming Count Per Year					
Representative Program Topics	2000	2001	2002	2003	2004	Rating[1]
Disability Issues/Discrimination	6	1	2	5	2	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible [2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

As indicated in Table 7, ten of the nineteen, or fifty-three percent, of the programming topics employed to represent the judicial branch education response to an aging population received an *"indiscernible"* rating – an increase or decrease in programming could not be evidently identified. *Thus, the overall judicial branch education response to this issue or challenge is considered "indiscernible".*

Five, or twenty-six percent, of the programming topics received a response rating of *"unsatisfactory"*. These programming topics include: Wills and Trusts; The Role and Management of Special Courts; Estates – Decedents: Wills, Trusts, Inheritances, and Taxes; Retirement (Court Personnel); and Aging/Elderly/Age Discrimination.

Four, or twenty-one percent, of the programming topics received a response rating of *"satisfactory"*. These programming topics include: Social Intervention; Retirement (Judge); Bioethics; and Bioethics/Scientific Advances in Altering Human Life.

The response patterns of several individual programming topics are worth further discussion. No programming has been conducted in regards to the substantive law topic of Wills and Trusts from 2000 – 2004.

Interestingly, Retirement programming for judges received a *"satisfactory"* rating (demonstrating an increase) while Retirement programming for court personnel received an *"unsatisfactory"* rating.

***The Judicial Branch Education Programming Response to the Shift to a Service-Based
and Knowledge-Based Economy***

The topics and related program counts identified in Table 8 were secured to

represent the judicial branch education programming response to the shift to a service-

based and knowledge-based economy. In addition to topic name and annual summated

program count, the individual rating is also presented.

As indicated in Table 8, six of the seven, or eighty-six percent, of the

programming topics employed to represent the judicial branch education response to the

shift to a service-based and knowledge-based economy received an *"indiscernible"*

rating – an increase or decrease in programming could not be evidently identified. *Thus,*

the overall judicial branch education response to this issue or challenge is considered

"indiscernible".

One, or seventeen percent, of the programming topics received a response rating

of *"satisfactory"*. This programming topic is <u>Documentation of Performance Issues</u>.

Table 8. Programming Topics Selected for Representation of the Judicial Branch Education Response to the Shift to a Service-Based and Knowledge-Based Economy						
Representative Program Topics	**Total Programming Count Per Year**					
	2000	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Training	15	57	37	26	7	I
Salaries and Benefits	20	25	27	18	20	I
Recruiting	3	1	4	7	3	I
Hiring	5	10	5	0	0	I
Performance Appraisals and Management	40	26	36	19	34	I
Documentation of Performance Issues	0	6	9	8	3	S[2]
Coaching Problem Employees	7	6	9	16	3	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible [2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

The Judicial Branch Education Programming Response to Decentralized Management and Performance Planning

The topics and related program counts identified in Table 9 were secured to represent the judicial branch education programming response to decentralized management and performance planning. In addition to topic name and annual summated program count, the individual rating is also presented.

As indicated in Table 9, six of eleven, or fifty-five percent, of the programming topics employed to represent the judicial branch education response to decentralized management and performance planning received an *"indiscernible"* rating – an increase or decrease in programming could not be evidently identified. *Thus, the overall judicial branch education response to this issue or challenge is considered "indiscernible".*

Table 9. Programming Topics Selected for Representation of the Judicial Branch Education Response to Decentralized Management and Performance Planning						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Problem Diagnosis/Solving	6	4	14	21	16	S[2]
Motivating and Inspiring	7	15	10	25	13	S[2]
Delegation	0	2	0	1	3	I
Promotions, Delegations, and Transfers	0	6	1	3	2	S[2]
Futures, Strategic, Long/Short Range, and Action Planning	45	33	31	33	50	I
Managing Court Reform	0	2	2	0	1	S[2]
Organizational Change and Development	59	77	36	124	139	I
Trends and Futures Projections: Impact on the Courts	20	16	20	11	8	I
Decentralized Courts and Performance Planning	0	3	29	40	31	S[2]
Managing/Implementing New Legislation, Court Rules, and Other Mandated Changes	14	51	13	33	33	I

Table 9. Programming Topics Selected for Representation of the Judicial Branch Education Response to Decentralized Management and Performance Planning						
	Total Programming Count Per Year					
Representative Program Topics	2000	2001	2002	2003	2004	Rating[1]
Training	15	57	37	26	7	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible [2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

Five, or forty-five percent, of the programming topics received a response rating

of *"satisfactory"*. These topics include: Problem Diagnosis/Solving; Motivating and

Inspiring; Promotions, Delegations, and Transfers; Managing Court Reform; and

Decentralized Courts and Performance Planning.

The *"satisfactory"* response rating garnered by Decentralized Courts and

Performance Planning certainly highlights the multiple assertions concerning

performance planning made in *Future Trends in State Courts 2004*. These assertions

include (Flango et al., 2004, 73):

> "Court performance measurements provide a sense of accountability and work as a better tool for self-advocacy. Accountability protects judicial independence."

> "Courts will need to point specific performance and accountability measures to justify additional funding and resources."

> "As courts become more sensitive to performance and accountability issues, they will become technically sophisticated at self-measurement."

Internal Trends

The Judicial Branch Education Programming Response to Solving Social Ills

The topics and related program counts identified in Table 10 were secured to

represent the judicial branch education programming response to solving social ills. In

addition to topic name and annual summated program count, the individual rating is also

presented.

Table 10. Programming Topics Selected for Representation of the Judicial Branch Education Response to Solving Social Ills						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Social Welfare Services	0	2	3	2	0	I
Mental Health Services and Therapy	31	9	22	24	18	U
Gangs	22	7	1	4	13	I
Cults	1	0	0	0	0	U
Counseling Programs	16	11	2	14	10	I
Community Resources/Services	12	10	5	74	39	I
AIDS/Communicable Disease	4	1	2	2	0	U
Abortion	0	0	0	0	0	U
Substance Abuse (Domestic Relations)	10	10	16	32	7	I
Dysfunctional Families	2	0	1	4	8	I
Substance Abuse (Discipline, Ethics, and Conduct)	0	2	5	7	1	S[2]
Role of Courts in a Democracy	1	5	0	0	1	I
Social Intervention	1	4	4	6	8	S
View of the Court From Inside and Outside of the Judicial System	2	3	0	7	9	I
Substance Abuse/Treatment	1	23	13	32	18	S[2]
Victims	3	10	2	13	15	I
Incompetency/Mental Health Proceedings	9	7	12	11	6	I
Health Issues (Probation and Parole)	0	0	0	3	1	I
Juvenile Community Services	0	3	3	1	5	S[2]
Parental Rights	13	11	14	13	8	I
School Issues	43	25	16	12	25	I
Substance Abuse (Children)	35	8	16	49	15	U
Commitments – Mental Illness	8	2	9	25	30	S[2]
Homeless Children/Families	0	1	0	2	0	U
Family Counseling	4	2	0	1	2	I
Disorders and Disabilities: Physical	6	1	2	6	3	I
Disorders and Disabilities: Mental	30	16	21	25	21	I
Child Welfare	3	8	11	7	7	S[2]
Abuse/Neglect (Juveniles/Children)	33	39	19	22	18	U
Substance Abuse Problems and Treatment for Judges	1	1	4	3	1	I
The Role and Management of Specialized Courts	40	9	22	8	6	U
Role of the Judge	32	56	44	64	65	S[2]

[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible
[2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).

As indicated in Table 10, seventeen of thirty-two, or fifty-three percent, of the programming topics employed to represent the judicial branch education response to solving social ills received an *"indiscernible"* rating – an increase or decrease in programming could not be evidently identified. *Thus, the overall judicial branch education response to this issue or challenge is considered "indiscernible".*

Seven, or twenty-two percent, of programming topics received a *"satisfactory"* rating. These topics include: Social Intervention; Juvenile Community Services; Commitments – Mental Illness; Role of the Judge; Substance Abuse; Substance Abuse/Treatment; and Child Welfare.

Eight, or twenty-six percent, of programming topics received an *"unsatisfactory"* rating. These topics include: Mental Health Services and Therapy; Cults; AIDS/Communicable Disease; Abortion; Substance Abuse (Children); Homeless Children/Families; Abuse/Neglect (Juveniles/Children); and The Role and Management of Specialized Courts.

The Judicial Branch Education Programming Response to Alternatives to Traditional Modes of Dispute Resolution

The topics and related program counts identified in Table 11 were secured to represent the judicial branch education programming response to alternatives to traditional modes of dispute resolution. In addition to topic name and annual summated program count, the individual rating is also presented.

Table 11. Programming Topics Selected for Representation of the Judicial Branch Education Response to Alternatives to Traditional Modes of Dispute Resolution						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Alternative Dispute Resolution	48	47	37	37	22	U[2]
Arbitration	4	3	3	1	1	U[2]
Conciliation	0	0	0	0	0	I
Mediation	91	47	86	52	18	U[2]
Restorative and Therapeutic Justice	14	12	5	21	19	I
Privatization	1	0	0	2	1	I
View of the Court From Inside and Outside the Judicial System	2	3	0	7	9	I
Public Trust and Confidence	20	7	13	16	16	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible [2] Rating based on set criteria of a 10% decrease demonstrated in 2002 and a 20% decrease demonstrated in 2004 (from total programming count in 2000).						

As indicated in Table 11, five of eight, or sixty-three percent, of the programming topics employed to represent the judicial branch education response to alternatives to traditional modes of dispute resolution received an *"indiscernible"* rating – an increase or decrease in programming could not be evidently identified. *Thus, the overall judicial branch education response to this issue or challenge is considered "indiscernible".*

The satisfactory response rating Restorative and Therapeutic Justice programming received mirrored the expressed sentiment in *Future Trends in State Courts 2004* where it was noted that "government failures and scandals over the past few decades have eroded public trust and confidence in all institutions of government. The effectiveness of therapeutic justice initiatives can reverse this trend" (Flango et al., 2004, 17). Additionally, this publication maintains that,

> "In jurisdictions around the country, indeed the world, restorative justice could be subject to more study and more use. Coordination efforts that are currently decentralized will become more centralized, although no single hierarchical model may emerge. Coordination will be assisted by developments of "people-based" information systems that allow for identification/recognition of

events/issues related to entire families, not based upon isolated case numbers tied to events/issues…Likewise, states in which restorative justice is most strongly embraced will resist reflexive "get tough" approaches and concentrate on objective performance data, especially rates of overall crime, recidivism, and long-term costs. Aided by greater interagency coordination and innovative methods for handling juvenile and family cases, these states will emphasize preventative efforts, such as early intervention programs. Performance measures will reinforce the demand for program accountability" (Flango et al., 2004, 41).

Three, or thirty-seven percent, of the programming topics received an

"unsatisfactory" rating. The programming topics include: Alternative Dispute

Resolution, Arbitration, and Mediation. These findings were especially noteworthy as

Future Trends in State Courts 2004 explicitly note that:

> "Increased use of ADR…will change the face of the legal profession…The lack of trust by Generation Y could lead people to seek a jury trial rather than a bench trial. In the alternative this attitude could lead to more "do-it-yourself" and "end-of-government" solutions, such as pro se representation, unbundling, and ADR (especially community mediation and online dispute resolution)" (Flango et al., 2004, 41).

The Judicial Branch Education Programming Response to the Increase in Pro Se Cases

The topics and related program counts identified in Table 12 were secured to

represent the judicial branch education programming response to the increase in pro se

cases. In addition to topic name and annual summated program count, the individual

rating is also presented.

As indicated in Table 12, four of six, or sixty-seven percent, of the programming

topics employed to represent the judicial branch education response to the increase in pro

se cases received a *"satisfactory"* rating – an increase in programming could be evidently

identified. *Thus, the overall judicial branch education response to this issue or challenge*

is considered "satisfactory".

Table 12. Programming Topics Selected for Representation of the Judicial Branch Education Response to the Increase in Pro Se Cases						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Pro Per/Pro Se/Self-Represented Litigants (Civil Law and Procedure)	11	15	19	40	22	S[2]
Advice Regarding Right to Counsel	1	2	7	4	2	S[2]
Pro Per/Pro Se/Self-Represented Litigants (Criminal Law and Procedure)	7	11	28	43	22	S[2]
Managing Court Services for Pro Per/Pro Se/Self-Represented Litigants	38	60	57	35	37	I
Access to the Courts	8	21	34	30	40	S[2]
Giving Legal Advice	13	7	11	18	21	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible [2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

Two, or thirty-three percent, of the programming topics received an

"indiscernible" rating. These topics include Managing Court Services for Pro Per/Pro

Se/Self-Represented Litigants and Giving Legal Advice.

The Judicial Branch Education Programming Response to the Changing Public
Expectations of the Role of the Judge and the Court

The topics and related program counts identified in Table 13 were secured to

represent the judicial branch education programming response to the changing public

expectations of the role of the judge and the court. In addition to topic name and annual

summated program count, the individual rating is also presented.

Table 13. Programming Topics Selected for Representation of the Judicial Branch Education Response to the Changing Public Expectations of the Role of the Judge and the Court						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Role of Courts in a Democracy	1	5	0	0	1	I
Social Intervention	1	4	4	6	9	S[2]
View of the Court from Inside and Outside of the Judicial System	2	3	0	7	9	I
Role of the Judge	32	56	44	64	65	S[2]
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible [2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

As indicated in Table 13, two of the four, or fifty-percent (half), of the

programming topics employed to represent the judicial branch education response to the

changing public expectations of the role of the judge and the court received an

"indiscernible" rating – an increase or decrease in programming could not be evidently

identified.

Half of the programming topics also received a response rating of *"satisfactory"*.

Thus, the overall judicial branch education response to this issue or challenge is

considered "mixed".

Future Trends in State Courts 2004 also concurred with the presence of this

theme or challenge originally explicated in 2000. In reference to changing public

expectations of the role of the judge and the court, it was additionally noted in this

particular publication that,

> "Changes in the roles of the courts have implications for the institution of the
> judiciary and its place in society and government and will require more careful
> study. With many changes being fueled by federal funds, we must know whether
> they are a result of conscious policy choices or unconscious reactions to resource
> availability" (Flango et al., 2004, 71).

Future Trends in State Courts 2004 identified additional implications from the

changing role of judges and courts in contemporary society. The implications include a

necessity for:

> "Case coordination, judicial education, increased importance of continuity of
> representation, and time standards will conform more and more to the problem-
> solving mode. Increased use of nonjudicial officers, coordination with social
> services, less-adversarial processes, and more outreach/communication regarding
> community resources are needed" (Flango et al., 2004, 71).

***The Judicial Branch Education Programming Response to the Diminishing Resource
of Money***

The topic and related program counts identified in Table 14 was secured to

represent the judicial branch education programming response to the diminishing

resource of money. In addition to topic name and annual summated program count, the

individual rating is also presented.

Table 14. Programming Topic Selected for Representation of the Judicial Branch Education Response to the Diminishing Resource of Money						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Budget, Resources, and Finance	118	68	196	248	126	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible						

As indicated in Table 14, the programming topic employed to represent the

judicial branch education response to the diminishing resource of money received an

"indiscernible" rating – an increase or decrease in programming could not be evidently

identified. *Thus, the overall judicial branch education response to this issue or challenge

is considered "indiscernible".*

Future Trends in State Courts 2004 concurred with the presence of this theme or

challenge originally explicated in 2000. In reference to the diminishing resource of

money, it was additionally noted in this particular publication that,

"More courts will explore alternative funding strategies, including private funding for programs within or affiliated with the judiciary. Courts will establish or work with existing 501 (c) (3) entities to assist in court fund-raising initiatives; more incorporated entities will help courts with lobbying and fund raising. Such strategies will raise many questions related to conflicts of interest. Courts must make it clear that support for the courts will not result in special treatment" (Flango et al., 2004, 71).

The Judicial Branch Education Programming Response to the Diminishing Resource of Time

The topics and related program counts identified in Table 15 were secured to represent the judicial branch education programming response to the diminishing resource of time. In addition to topic name and annual summated program count, the individual rating is also presented.

Table 15. Programming Topics Selected for Representation of the Judicial Branch Education Response to the Diminishing Resource of Time						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Time Management	17	13	12	13	16	I
Vision, Missions, Purpose, Philosophy, Goals, and Objectives	3	17	15	16	16	S[2]
Organizational Change and Development	59	77	36	124	134	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory or "I" – Indiscernible [2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

As indicated in Table 13, two of the three, or sixty-seven percent, of the programming topics employed to represent the judicial branch education response to the diminishing resource of time received an *"indiscernible"* rating – an increase or decrease in programming could not be evidently identified. *Thus the overall judicial branch education response to this issue or challenge is considered "indiscernible".*

One, or thirty-three percent, of programming topics received a *"satisfactory"* rating (<u>Vision, Missions, Purpose, Philosophy, Goals, and Objectives</u>).

Future Trends in State Courts 2004 concurred with the presence of this theme or

challenge originally explicated in 2000. In reference to the diminishing resource of time,

it was additionally noted in this particular publication that,

> "The need for more effective and coordinated strategic thinking is evident. More thinking about appropriate preferred visions and values for the courts and the justice system is also needed" (Flango et al., 2004, 72).

The Judicial Branch Education Programming Response to the Diminishing Resource of Personnel

The topics and related program counts identified in Table 16 were secured to

represent the judicial branch education programming response to the diminishing

resource of personnel. In addition to topic name and annual summated program count, the

individual rating is also presented.

Table 16. Programming Topics Selected for Representation of the Judicial Branch Education Response to the Diminishing Resource of Personnel						
	Total Programming Count Per Year					
Representative Program Topics	2000	2001	2002	2003	2004	Rating[1]
Managing a Non-Traditional Workforce	3	0	4	23	0	I
Managing a Diverse Workforce	12	13	7	38	65	I
Training	15	57	37	26	7	I
Salaries and Benefits	20	25	27	18	20	I
Recruiting	3	1	4	7	3	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible						

As indicated in Table 16, all or 100% of the programming topics employed to

represent the judicial branch education response to the diminishing resource of personnel

received an *"indiscernible"* rating – an increase or decrease in programming could not be

evidently identified. *Thus, the overall judicial branch education response to this issue or*

challenge is considered "indiscernible".

Future Trends in State Courts 2004 concurred with the presence of this theme or

challenge originally explicated in 2000. In reference to the diminishing resource of

personnel, it was additionally noted that, in regards to older workers,

> "Courts must keep in mind that older workers dramatically increase the cost of
> labor. People over 50 are responsible for 58% of all health care resources and
> consume 74% of all prescription drugs" (Flango et al., 2004, 57).

***The Judicial Branch Education Programming Response to the Diminishing Resource
of Facilities***

The topic and related program counts identified in Table 17 were secured to

represent the judicial branch education programming response to the diminishing

resource of facilities. In addition to topic name and annual summated program count, the

individual rating is also presented.

Table 17. Programming Topic Selected for Representation of the Judicial Branch Education Response to the Diminishing Resource of Facilities						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Facilities Management	9	25	1	12	8	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible						

As indicated in Table 17, one programming topic was employed to represent the

judicial branch education response to the diminishing resource of facilities. This program

topic received an *"indiscernible"* rating – an increase or decrease in programming could

not be evidently identified. *Thus, the overall judicial branch education response to this*

issue or challenge is considered "indiscernible".

Future Trends in State Courts 2004 concurred with the presence of this theme or

challenge originally explicated in 2000. In reference to the diminishing resource of

facilities, it was additionally noted in this particular publication that, while space is

scarce,

"Courthouses that feature child care facilities and spaces for other dependent family members will have an advantage in recruiting and retaining staff. Improving day care in the courts will improve court and community relationships and develop public trust and confidence. To make the most of its resources, courts will have to consider flexibility in room use" (Flango et al., 2000, 69).

"As new courthouses are constructed, most jurisdictions are incorporating some degree of advanced technology in many of their courtrooms. At the very least, new courtrooms are being designed to accommodate future installation of such technologies as budgets permit. Continued improvement in price/performance ratios – as well as rising expectations among the legal community – will accelerate this trend" (63).

"Courthouse design and furnishings will reflect greater sensitivity to the values and the needs of a diverse public. Judges and court staff will receive more training in cultural awareness as part of larger efforts to address ADA compliance, diversity goals, and customer service" (Flango et al., 2000, 69).

The Judicial Branch Education Programming Response to the Resistance to Change

The topics and related program counts identified in Table 18 were secured to represent the judicial branch education programming response to the pervasive **"**resistance to change" attitude. In addition to topic name and annual summated program count, the individual rating is also presented.

As indicated in Table 18, one, or half, of the programming topics employed to represent the judicial branch education response to the changing public expectations of the role of the judge and the court received an *"indiscernible"* rating – an increase or decrease in programming could not be evidently identified.

Half of the programming topics also received a response rating of *"satisfactory"*. *Thus, the overall judicial branch education response to this issue or challenge is considered "mixed".*

Table 18. Programming Topics Selected for Representation of the Judicial Branch Education Response to the Resistance to Change						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Motivating and Inspiring	7	15	10	25	13	S[2]
Organizational Change and Development	59	77	36	124	139	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible [2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

While this attitudinal shortfall was not explicated as a challenge in *Future Trends in State Courts 2004*, it was rightfully acknowledged that, "In some areas, there is a sense of nihilism and depression that results in disrespect for the court and justice systems" (Flango et al., 2000, 69).

Trends Not Identified in *A National Agenda for the Future of Judicial Branch Education: A Synthesis of Outcomes on the Future of Judicial Branch Education*

The Judicial Branch Education Programming Response to the Politicization of the Judicial Branch/Challenges to Judicial Independence

The topics and related program counts identified in Table 19 were secured to represent the judicial branch education programming response to the politicization of the judicial branch/challenges to judicial independence. In addition to topic name and annual summated program count, the individual rating is also presented.

Table 19. Programming Topics Selected for Representation of the Judicial Branch Education Response to the Politicization of the Judicial Branch/Challenges to Judicial Independence						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Independent Judiciary and Accountability	3	2	7	4	14	S[2]
Role of Courts in a Democracy	1	5	0	0	1	I
Seeking Office: Appointment or Election (Judges)	13	16	14	25	18	S[2]
Elections (General)	2	0	1	2	0	I
Judicial Review Boards	3	10	10	30	23	S[2]
Ethics (Judges)	146	273	243	204	252	S[2]
Professional Responsibility Issues (General)	8	2	25	18	7	I
Public Trust and Confidence	20	7	13	16	16	I
View of the Court From Inside and Outside of the Judicial System	2	3	0	7	9	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible [2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

As indicated in Table 19, five of the nine, or fifty-six percent, of the programming topics employed to represent the judicial branch education response to the politicization of the judicial branch/challenges to judicial independence received an *"indiscernible"* rating – an increase or decrease in programming could not be evidently identified. *Thus the overall judicial branch education response to this issue or challenge is considered "indiscernible".*

Four of the nine, or forty-four percent, of the programming topics employed to represent the judicial branch education response to the politicization of the judicial branch/challenges to judicial independence received a *"satisfactory"* rating. The programming topics include: Independent Judiciary and Accountability; Seeking Office; Appointment or Election (Judges); Judicial Review Boards; and Ethics (Judges).

The Judicial Branch Education Programming Response to Hot-Button Issues and Interbranch Relations

The topics and related program counts identified in Table 20 were secured to represent the judicial branch education programming response to hot-button issues and interbranch relations. In addition to topic name and annual summated program count, the individual rating is also presented.

As indicated in Table 20, four of the eight or fifty percent of the programming topics employed to represent the judicial branch education response to hot- button issues and interbranch relations received an *"indiscernible"* rating – an increase or decrease in programming could not be evidently identified. *Thus the overall judicial branch education response to this issue or challenge is considered "indiscernible".*

Table 20. Programming Topics Selected for Representation of the Judicial Branch Education Response to Hot-Button Issues and Interbranch Relations						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating[1]**
Hot Topics, Updates, and Current Issues	40	85	665	103	49	S[2]
Intergovernmental/Interagency Relations	21	18	22	27	35	S[2]
Public Trust and Confidence	20	7	13	16	16	I
Preparing Press Releases and Other Printed Information	0	1	1	0	1	S[2]
Preparing for Public Speaking and Media Coverage	6	6	4	9	12	I
Electronic Information, Public Information, and Education	1	2	3	6	3	I
Developing Public and Media Relations Plans and Strategies	41	44	35	10	23	U
Court-Public Meetings/Forums	0	0	0	5	3	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible						
[2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

Three of the eight, or thirty-eight percent, of the programming topics employed to represent the judicial branch education response to hot-button issues and interbranch

relations received a *"satisfactory"* rating. The programming topics include <u>Hot Topics;</u>

<u>Updates, and Current Issues;</u> <u>Intergovernmental/Interagency Relations;</u> and <u>Preparing</u>

<u>Press Releases and Other Printed Information</u>.

One of the eight, or thirteen percent, of the programming topics employed to

represent the judicial branch education response to hot-button issues and interbranch

relations received an *"unsatisfactory"* rating. This programming topic focused on

<u>Developing Public and Media Relations Plans and Strategies</u>.

The Judicial Branch Education Programming Response to Jury Reform

The topics and related program counts identified in Table 21 were secured to

represent the judicial branch education programming response to jury reform. In addition

to topic name and annual summated program count, the individual rating is also

presented.

Table 21. Programming Topics Selected for Representation of the Judicial Branch Education Response to Jury Reform						
	Total Programming Count Per Year					
Representative Program Topics	**2000**	**2001**	**2002**	**2003**	**2004**	**Rating¹**
Conducting Voir Dire	9	30	26	24	9	I
Deliberations	2	3	3	0	0	I
Fair Jury Selection	20	21	24	25	14	I
High Profile Cases	0	0	0	3	1	I
Juror Summons and Absent Jurors	5	3	3	0	1	U
Jury Instructions: Civil and Criminal	20	27	39	43	18	I
Jury Management: Orientation, Needs, and Questions	12	16	13	15	16	S²
Jury Reform	2	5	1	2	1	I
Jury Trial	10	8	6	10	2	U
New Jury Sequestration	1	3	2	7	1	I
¹ The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible ² Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

As indicated in Table 21, seven of the ten, or seventy percent, of the programming topics employed to represent the judicial branch education response to jury reform received an *"indiscernible"* rating – an increase or decrease in programming could not be evidently identified. *Thus, the overall judicial branch education response to this issue or challenge is considered "indiscernible".*

Two of the ten, or twenty percent, of the programming topics employed to represent the judicial branch education response to jury reform received an *"unsatisfactory"* rating. These programming topics include: Juror Summons and Absent Jurors and Jury Trial.

One of the ten, or thirteen percent, of the programming topics employed to represent the judicial branch education response to jury reform received a *"satisfactory"* rating. This programming topic focused on Jury Management: Orientation, Needs, and Questions.

The Judicial Branch Education Programming Response Security and Civil Liberties

The topics and related program counts identified in Table 22 were secured to represent the judicial branch education programming response to issues related to security and civil liberties. In addition to topic name and annual summated program count, the individual rating is also presented.

Table 22. Programming Topics Selected for Representation of the Judicial Branch Education Response to Issues Related to Security and Civil Liberties						
	Total Programming Count Per Year					
Representative Program Topics	2000	2001	2002	2003	2004	Rating[1]
Constitutional Rights (Criminal Law and Procedure)	14	25	25	10	9	I
Habeas Corpus	6	6	5	4	2	U
Search and Seizure	32	39	36	80	33	I
Court Security	69	84	78	138	76	I
Probable Cause	4	5	10	6	6	S[2]
Prisons and Jails/Prisoners' Rights	6	8	6	14	8	I
Miranda Warnings	0	1	13	2	0	I
Speedy Trial	2	7	8	3	7	S[2]
Unlawful Detainer and Forcible Entry	7	0	3	1	3	I
Constitutional Law	0	1	1	2	1	S[2]
Race, Ethnic, Religion, Gender, Sexual Orientation Bias, Prejudice, & Discrimination	37	36	56	43	22	I
Racial Profiling (Evidence)	1	0	5	4	0	I
Racial Profiling (Societal/Cultural Issues and the Humanities)	3	7	6	5	2	I
[1] The acronyms for the three rating categories: "S" - Satisfactory, "U" - Unsatisfactory, or "I" – Indiscernible						
[2] Rating based on set criteria of a 10% increase demonstrated in 2002 and a 20% increase demonstrated in 2004 (from total programming count in 2000).						

As indicated in Table 22, nine of the thirteen, or sixty-nine percent, of the programming topics employed to represent the judicial branch education response to issues related to security and civil liberties received an *"indiscernible"* rating – an increase or decrease in programming could not be evidently identified. *Thus, the overall judicial branch education response to this issue or challenge is considered "indiscernible".*

Three of the thirteen, or twenty-three percent, of the programming topics employed to represent the judicial branch education response to issues related to security and civil liberties received a *"satisfactory"* rating. These programming topics include Probable Cause, Speedy Trial, and Constitutional Law.

One of the thirteen, or eight percent, of the programming topics employed to
represent the judicial branch education response to issues related to security and civil
liberties received an *"unsatisfactory"* rating. This programming topic focused on <u>Habeas
Corpus</u>.

CONCLUSION

In summary, the generalized judicial education programming response to those

challenges identified in *A National Agenda for the Future of Judicial Branch Education:*

A Synthesis of Outcomes from the National Symposium on the Future of Judicial Branch

Education and *Future Trends in State Courts 2004* can at best be classified as

"indiscernible". A synopsis of those challenges receiving a rating of "*indiscernible*" is

presented in Table 23.

Table 23. Summary of Identified Internal and External Challenges and Judicial Branch Education Programming in Receipt of a Response Rating of *"Indiscernible"*	
Challenge	**Rating**
Global Economic Integration and Interdependency	I
Cross-Border Population Migration, Labor Mobility, and Multiculturalism	I
Impact of Science and Technology on Everyday Life	I
New Knowledge and the Decreasing Half-Life of Useful Information	I
Empowerment of Gender and Racial Minorities	I
Aging Population	I
Shift to a Service-Based and Knowledge-Based Economy	I
Decentralized Management and Performance Planning	I
Solving Social Ills	I
Alternatives to Traditional Modes of Dispute Resolution	I
Diminishing Resource of Money	I
Diminishing Resource of Time	I
Diminishing Resource of Personnel	I
Diminishing Resource of Facilities (Space)	I
Politicization of the Judicial Branch/Challenges to Judicial Independence	I
Hot-Button Issues and Interbranch Relations	I
Jury Reform	I
Security and Civil Liberties	I

This finding should not elicit an overwhelming sense of wonderment as change,

principally change within public agencies, is a gradual process wrought with political,

ideological, and financial impediments. The judicial bench education programming

change to identified trends and challenges thus could and should be considered in an

"infantile" state. Certainly if the range of years sampled were more expansive different

results and subsequent interpretations might have been attainable. However, the intention

of this piece was to provide an initial "glimpse" into programming patterns since the year

2000. Future analyses should be directed toward the inclusion of for example, a range of

a decade (2000 – 2010).

One encouraging judicial branch education programming response to the

identifiable challenges was distinguished. The judicial branch education programming

response to the increase in pro se cases received a rating of *"satisfactory"*. Specifically,

there was an overall increase in the number of programs designed to address the

challenge of individuals proceeding through the court system without legal

representation. A synopsis of those challenges receiving a rating of *"satisfactory"* is

presented in Table 24.

Table 24. Summary of Identified Internal and External Challenges and Judicial Branch Education Programming in Receipt of a Response Rating of *"Satisfactory"*	
Challenge	**Rating**
Increase in Pro Se Cases	S

Ratings for two judicial branch education programming responses to the

identifiable challenges were inconclusive. The judicial branch education programming

response to the *Empowerment of Ordinary People through World Wide Web (WWW)*

Access and *Changing Public Expectations of the Role of the Judge and the Court*

received a rating of *"mixed"*. Specifically, a clear *"satisfactory"*, *"unsatisfactory"*, or

"indiscernible" rating could not be ascribed to these challenges as exactly half of the

programming topics received one particular rating and the balance received a

contradictory rating. A synopsis of those challenges receiving a rating of "*mixed*" is

presented in Table 25.

Table 25. Summary of Identified Internal and External Challenges and Judicial Branch Education Programming in Receipt of a Response Rating of *"Mixed"*	
Challenge	**Rating**
Empowerment of Ordinary People through World Wide Web (WWW) Access	Mixed
Changing Public Expectations of the Role of the Judge and the Court	Mixed

Judicial Branch Education Programming not Reflective of Identified Challenges

Several topics that were not selected for representation of internal and external

challenges did demonstrate a rating of *"satisfactory"* as warranted by the guidelines

outlined in the methodology section of this document. The topics not selected for

representation in the prior analyses but did receive a *"satisfactory"* rating are presented

in Table 26.

Table 26. Summary of Non-Representative Judicial Branch Education Programming Topics in Receipt of a Response Rating of *"Satisfactory"* *(Main Programming Topic Code in Parentheses)*	
Programming Topic	**Rating**
Real Property Law *(Substantive Law)*	S
Insurance Law *(Substantive Law)*	S
Contract Law *(Substantive Law)*	S
Consumer Rights/Protection Law *(Substantive Law)*	S
Administrative Rights Law *(Substantive Law)*	S
Civil Settlements *(Settlements)*	S
Habitual Offenders *(Sentencing)*	S
Intermediate Sanctions *(Sentencing)*	S
Offender Profiles *(Sentencing)*	S
Sentencing Guidelines *(Sentencing)*	S
Structured Sentencing *(Sentencing)*	S
Felony Sentencing *(Sentencing)*	S
Guns/Firearms in Sentencing *(Sentencing)*	S
Comparative Judicial Systems *(Role of the Court in Society)*	S
Preparing Press Releases and Other Printed Information *(Public Court Related Education and Outreach)*	S
Victims *(Probation and Parole)*	S
Substance Abuse/Treatment *(Probation and Parole)*	S
Parole Hearings and Revocation *(Probation and Parole)*	S
Managing Sex Offenders *(Probation and Parole)*	S
Probate Forms *(Probate)*	S
Commitments – Mental Illness *(Probate)*	S

Table 26. Summary of Non-Representative Judicial Branch Education Programming Topics in Receipt of a Response Rating of *"Satisfactory"* *(Main Programming Topic Code in Parentheses)*	
Programming Topic	**Rating**
Juvenile Community Services *(Juveniles/Children)*	S
Legislative/Legal Updates *(Juveniles/Children)*	S
Child Development *(Juveniles/Children)*	S
Child Welfare *(Juveniles/Children)*	S
Confidentiality *(Juveniles/Children)*	S
Supervising Staff *(Judicial Life and Judicial Role and Responsibilities)*	S
Relationships with Attorneys *(Judicial Life and Judicial Role and Responsibilities)*	S
Public Speaking and Community and Media Relations *(Judicial Life and Judicial Role and Responsibilities)*	S
Non-Judicial Compensation *(Judicial Life and Judicial Role and Responsibilities)*	S
Living Life As A Judge: Judicial Community *(Judicial Life and Judicial Role and Responsibilities)*	S
Judicial Wellness: Mental, Emotional, Physical, and Spiritual *(Judicial Life and Judicial Role and Responsibilities)*	S
Judicial Stress, Burnout, and Renewal *(Judicial Life and Judicial Role and Responsibilities)*	S
Judicial Reasoning and Philosophy *(Judicial Life and Judicial Role and Responsibilities)*	S
Judicial Demeanor *(Judicial Life and Judicial Role and Responsibilities)*	S
Judicial Decision Making *(Judicial Life and Judicial Role and Responsibilities)*	S
Judges as Managers *(Judicial Life and Judicial Role and Responsibilities)*	S
Judges as Leaders *(Judicial Life and Judicial Role and Responsibilities)*	S
Courtroom Management and Control *(Judicial Life and Judicial Role and Responsibilities)*	S
New Employee Orientation *(Judicial Branch Education)*	S
New Judge Orientation *(Judicial Branch Education)*	S
Forms Management *(Human Resource Management)*	S
Managing Court Reform *(Human Resource Management)*	S
Personnel Records *(Human Resource Management)*	S
Grievance Procedures *(Human Resource Management)*	S
Family and Medical Leave Act *(Human Resource Management)*	S
Documentation of Performance Issues *(Human Resource Management)*	S
Testimony *(Evidence)*	S
Similar Acts-Rule 404B *(Evidence)*	S
Physical Evidence *(Evidence)*	S
Objections *(Evidence)*	S
New Evidence Rule Updates *(Evidence)*	S
Habit/Character/Custom *(Evidence)*	S

Table 26. Summary of Non-Representative Judicial Branch Education Programming Topics in Receipt of a Response Rating of *"Satisfactory"* (*Main Programming Topic Code in Parentheses*)	
Programming Topic	**Rating**
Expert Witness Opinions *(Evidence)*	S
Exceptions to Hearsay *(Evidence)*	S
Documentary Evidence *(Evidence)*	S
Credible Evidence *(Evidence)*	S
Tax Implications *(Domestic Relations)*	S
Orders (*Domestic Relations*)	S
Modification of Orders *(Domestic Relations)*	S
Marriage *(Domestic Relations)*	S
Legislative/Legal Updates *(Domestic Relations)*	S
Domestic Relations Forms *(Domestic Relations)*	S
Court Testimony *(Domestic Relations)*	S
Child Witness *(Domestic Relations)*	S
Clerks of Court *(Discipline, Ethics, and Conduct)*	S
Court and Judicial Personnel *(Discipline, Ethics, and Conduct)*	S
Substance Abuse *(Discipline, Ethics, and Conduct)*	S
Rules of Criminal Procedure *(Criminal Law and Procedure)*	S
Pretrial Proceedings *(Criminal Law and Procedure)*	S
Pleas *(Criminal Law and Procedure)*	S
Legislative/Legal Updates *(Criminal Law and Procedure)*	S
Jury Trial *(Criminal Law and Procedure)*	S
Judicial Discretion *(Criminal Law and Procedure)*	S
Disqualification/Recusal *(Criminal Law and Procedure)*	S
Criminal Forms *(Criminal Law and Procedure)*	S
Confessions *(Criminal Law and Procedure)*	S
Bench Trials *(Criminal Law and Procedure)*	S
Arrests *(Criminal Law and Procedure)*	S
Advice Regarding Right to Counsel *(Criminal Law and Procedure)*	S
Adult Boot Camps *(Crimes and Offenses)*	S
Offenses Against Children *(Crimes and Offenses)*	S
Offenses Against Property *(Crimes and Offenses)*	S
Sexual Assault *(Crimes and Offenses)*	S
Unauthorized Practice of Law *(Crimes and Offenses)*	S
White Collar Crime *(Crimes and Offenses)*	S
Problem Diagnosis/Solving *(Court Administration, Management and Leadership)*	S
Project Management *(Court Administration, Management and Leadership)*	S
Research Methods: Needs, Assessments, Evaluations, and Written/Oral Surveys *(Court Administration, Management and Leadership)*	S
Court Executive Component *(Court Administration, Management and Leadership)*	S

Table 26. Summary of Non-Representative Judicial Branch Education Programming Topics in Receipt of a Response Rating of *"Satisfactory"* *(Main Programming Topic Code in Parentheses)*	
Programming Topic	**Rating**
Court Clerks' Roles and Responsibilities *(Court Administration, Management and Leadership)*	S
Colleague and Peer Relations *(Court Administration, Management and Leadership)*	S
Verbal/Oral Communication *(Communication Skills: Verbal, Nonverbal, and Written)*	S
Professionalism *(Communication Skills: Verbal, Nonverbal, and Written)*	S
Letters and Other Written Communication *(Communication Skills: Verbal, Nonverbal, and Written)*	S
Legal/Opinion Writing *(Communication Skills: Verbal, Nonverbal, and Written)*	S
Fines/Assessments *(Civil Law and Procedure)*	S
Disqualification/Recusal *(Civil Law and Procedure)*	S
Complex Litigation *(Civil Law and Procedure)*	S

As indicated above, judicial branch education does continue to service its community by providing an increase in programming topics of a diverse nature − both in scope and content. A visual analysis suggests an increase in programming encompassing several generalized topics including: Substantive Law; Sentencing; Probation and Parole; Juveniles/Children; Judicial Life and Judicial Role and Responsibilities; Human Resource Management; Evidence; Domestic Relations; Criminal Law and Procedure; Crimes and Offenses; and Court Administration, Management and Leadership.

Future Directions

As previously acknowledged, the lack of financial resources has certainly constrained judicial branch education's response to those identified internal and external issues, trends, and challenges. However, the lack of financial resources should not be used as the sole excuse or justification for lack of action.

Recognizing that these particular issues, trends, and challenges have not been adequately addressed – via programming or through some other mode – is the first

significant hurdle to initiating change. Even prior to an acknowledgment though, conducting evaluation research to ascertain progress or "immobilization" is vital – ultimately perilous if not undertaken. Research therefore will serve as the catalyst from which the judicial branch education response, packaged in any form, will ensue.

Other strategic plans not previously distinguished could be developed and implemented to reconcile the field with these "chronic conditions". For example, existing programming could redesign current curriculum (as appropriate) modules to incorporate the issues, trends, or challenges previously identified.

While increasing programming is the most viable active response, other measures are available. Prior to the conclusion of this product, brief and generalized analyses were performed on the JERITT Products Database to ascertain whether a judicial branch education response could be discerned via journal articles, books, or other multi-media products.

Judicial Branch Education Product Response to Contemporary Court Challenges

The production and dissemination of written materials could potentially serve as the catalyst for further active acknowledgment of challenges pervading contemporary American courts. Table 27 highlights the total number of products, by type, referenced in the JERITT Products Database that measure the judicial branch education product response since the commencement of the *National Symposium on the Future of Judicial Branch Education in 1999*.

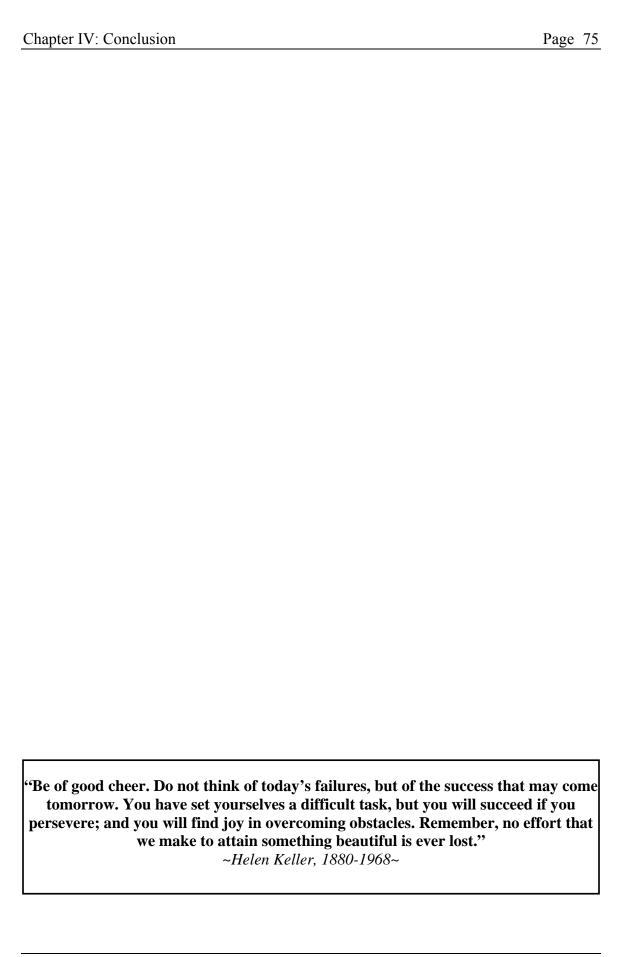| Table 27. Summary of the Judicial Branch Education **Product** Response to Contemporary Court Challenges			
Challenge	**Books**	**Journals**	**Multi-Media**
Global Economic Integration and Interdependency	7	0	0
Cross-Border Population Migration, Labor Mobility, and Multiculturalism	3	0	0
Impact of Science and Technology on Everyday Life	1	0	0
New Knowledge and the Decreasing Half-Life of Useful Information	11	0	1
Empowerment of Ordinary People through World Wide Web (WWW) Access	19	0	2
Empowerment of Gender and Racial Minorities	5	0	0
An Aging Population	1	0	1
Shift to a Service-Based and Knowledge-Based Economy	3	0	0
Decentralized Management and Performance Planning	19	2	0
Solving Social Ills	7	2	2
Alternatives to Traditional Modes of Dispute Resolution	6	0	0
Increase in Pro Se Cases	4	1	1
Changing Public Expectations of the Role of the Judge and the Court	6	0	0
Diminishing Resource of Money	1	0	1
Diminishing Resource of Time	5	2	0
Diminishing Resource of Personnel	3	0	0
Diminishing Resource of Facilities	2	0	0
Resistance to Change	6	2	0
Politicization of the Judicial Branch/Challenges to Judicial Independence	6	0	1
Hot-Button Issues and Interbranch Relations	16	2	1
Jury Reform	3	1	2
Security and Civil Liberties	2	0	0

Unlike the lackluster judicial branch education programming response to

challenges confronting contemporary courts, the judicial branch education product

response is and continues to be remarkable.

Several challenges were substantially addressed including New Knowledge and

the Decreasing Half-Life of Useful Information (12 products); Empowerment of Ordinary

People through World Wide Web (WWW) Access (21 products); Decentralized

Management and Performance Planning (21 products); Solving Social Ills (11 products);

and Hot-Button Issues and Interbranch Relations (19 products).

Other noteworthy product responses include: Global Economic Integration and

Interdependency (7 products); Empowerment of Gender and Racial Minorities (5

products); Alternatives to Traditional Modes of Dispute Resolution (6 products); Increase

in Pro Se Cases (6 products); Changing Public Expectations of the Role of the Judge and

the Court (6 products); Diminishing Resource of Time (7 products); Resistance to

Change (8 products); Politicization of the Judicial Branch/Challenges to Judicial

Independence (7 products); and Jury Reform (6 products).

Finally, human creativity and ingenuity must be at the forefront of any endeavor

of this magnitude. The time is ripe for transformation. Yet transformation must be based

on innovative principles and practices and not based on the antiquated maintenance of the

status quo that neither has application to contemporary times or purports any value to

advancing a field both in practice and intellect.

> **"Be of good cheer. Do not think of today's failures, but of the success that may come tomorrow. You have set yourselves a difficult task, but you will succeed if you persevere; and you will find joy in overcoming obstacles. Remember, no effort that we make to attain something beautiful is ever lost."**
> *~Helen Keller, 1880-1968~*

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