

# JERITT

*The Judicial Education Reference, Information and Technical Transfer Project*

National Association of  
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School of Criminal Justice  
Michigan State University

## ***Education for Development: Principles and Practices in Judicial Education***

***Leadership Institute in Judicial Education***

## ***JERITT Monograph Three***

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# EDUCATION FOR DEVELOPMENT: PRINCIPLES AND PRACTICES IN JUDICIAL EDUCATION

by

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Patricia H. Murrell

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The Judicial Education Reference, Information  
and Technical Transfer Project





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## **An Invitation**

Some of the ideas in the following manuscript will resonate deeply with the knowledge and experiences you have acquired in education, particularly as an adult. Others may not. We invite you, the reader, to receive the less familiar ideas with a non-rebutting mind, at least long enough to experiment with them, play with them, challenge and be challenged by them. We welcome hearing from you about your experience in applying these ideas to judicial education and your input, feedback and advice as well. Let us continue this conversation.

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## FOREWORD

When I became a state trial judge in 1978, I was provided with a courtroom, a clerk, a robe and a case scheduled to be tried on my first day. A friend watching the proceedings that morning told me later that my expression as I assumed the bench gave new meaning to the expression "sober as a judge." I can only imagine that I looked as overwhelmed as I felt. I gradually learned my job, of course, and acquired confidence and competence as time passed, but I never lost the conviction that my transition from the practice of law could have been more structured and supportive. From that conviction has grown a long-standing concern for the quality of structure and support available to all court professionals—judges, support staff and administrators—in all aspects of their jobs and at all stages of their careers.

Change has become a constant in our professional lives, and the courts, like other public and private institutions, encounter ever-mounting pressures to accommodate change. Increasing filings, shrinking budgets, rapid developments in communication and record-keeping technology, and new and complex social and legal dilemmas are placing unprecedented demands on our resources. Courts cannot be responsive to these demands if the people who run them do not have the capacity for growth in their own skills and vision. I believe that the key to that capacity is a personal and institutional commitment to lifelong learning. There is no one so eager to learn as a professional with a problem to solve; give such a person an opportunity to acquire new information, new perspective, new skills, and you have participated not only in the problem-solving process, but also in the enhancement of that person as a professional. This kind of "adult learning" is what all of us are engaged in daily, and more particularly when we concern ourselves with judicial branch education. We are seeking effective methods for helping ourselves and our colleagues experience the transformation that comes with personal growth, enhanced skills and enlarged understanding.

This document is about transformation as the core of the education process. Its premise is that if we seek to design education for growth and change in the judiciary, we need to understand more about how and why adults grow and change. My own experiences with the Leadership Institute for Judicial Education, in which many of these principles have been developed and are taught, have convinced me that they are profound. I have seen the impact they can have on teaching, program planning, curriculum development, team-building and anticipating future needs. As a judge and an educator, I understand far more of what my job is about.



During several of the leadership sessions, Dr. Chuck Claxton, Institute director, has observed that, "there is nothing so practical as a good theory, and nothing so theoretical as good practice." He is right. This document is about specific ways in which theory in adult learning can inform practice in judicial education, and experience in judicial education can illuminate theory about the learning process. I hope that it is only the beginning of a long and productive conversation among educators, teachers, scholars, judges and court staff who take their institutional obligations seriously.

Christine M. Durham  
Justice, Utah Supreme Court  
August 31, 1992



## Acknowledgments

This document has been reviewed by the members of the Leadership Institute's Advisory Committee (Hon. Christine M. Durham, Justice, Utah Supreme Court, chair; Hon. David A. Brock, Chief Justice, New Hampshire Supreme Court; Ms. June H. Cicero, Director, Supreme Court Office of Continuing Education, Minnesota Judicial Center; and Hon. Faith Enyeart, King County Superior Court, Washington). It has also been reviewed by Dr. Dennis Catlin, Executive Director, Michigan Judicial Institute; Frank Gregory, Director, Alabama Judicial College; Hon. Edmund G. Noyes, Jr., Superior Court of Arizona; Ms. Karen Waldrop, Director, Education Services Division, Arizona Supreme Court; Dr. Carol Weaver, Assistant Professor, Seattle University; and Pamela Bulloch, Program Manager, State Justice Institute. We appreciate their helpful critique and suggestions. Any errors of fact or judgment are the responsibility of the authors.

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We are grateful to the National Association of State Judicial Educators, the JERITT Project at Michigan State University and the Judicial Education/Adult Education Project at the University of Georgia. Under the guidance of the Association, the Leadership Institute has benefitted greatly from working in collaboration with these two projects through the Judicial Education Technical Assistance Consortium.

Finally, we appreciate the funding provided by the State Judicial Institute to the projects that make up the Consortium. SJI's commitment and support have significantly advanced judicial education practices in the field, thereby contributing to enhanced court systems throughout the states.



# INTRODUCTION

## Why Education for Development

Supreme Court Justice Sandra Day O'Connor, speaking to the Second National Conference on Court Management in Phoenix, Arizona, described some of the major problems facing today's courts:

The scourge of drugs is transforming the dockets of many of our trial courts. ...The relentless onslaught of technological innovation is enabling courts and lawyers to use office procedures that change so fast that we are constantly adapting to new variations. The search for alternatives to traditional dispute processing is changing court procedures. ...Science is forcing us to reexamine some of our basic concepts of life and death. (1991, p. 10)

However, the issue in her view is not simply one of deciding how the courts should deal with changing times. Rather, it is "how to prepare ourselves—and our courts—for the future" (p. 10).

The challenge Justice O'Connor describes places the issue squarely where it should be. It signals the fact that not only must the courts as organizations change, but that the people within them must change as well. Development of the organization and development of the persons who staff the court system are thus critically linked: *courts will change only as the people within them change.*

How can leaders within the court system foster the interlinking changes that are required for the future?

To answer that question requires us to remember some of the unique characteristics of the field of judging. For one thing, there is a remarkable complexity about the issues judges confront on a day-to-day basis. As Shaman, Lubet, and Alfini, the authors of *Judicial Conduct and Ethics*, have phrased it:

Judges are important public officials whose authority reaches every corner of society. Federal and state judges resolve disputes between people, and interpret and apply the law by which we live. Through that process, they



define our rights and responsibilities, determine the distribution of vast amounts of public and private resources, and direct the actions of officials in other branches of government. In the United States, as in many other countries, judges exercise broad control over a variety of matters in both the public and private spheres. Nearly every facet of life is affected by judicial decisions. (1990, p. 1)

The complexity of the issues judges deal with is compounded by the fact that they cannot possess all the technical knowledge needed to decide cases properly in so diverse an array of circumstances. There is no sure way for judges to know which witness to believe and which way to go when there is conflicting evidence. Thus judges need to think at a level of complexity consistent with the intricate nature and the subtlety of the problems they are required to address.

Second, judges have special responsibilities placed upon them which go beyond those of most professions. A friend of ours served recently on a jury. She said she was struck by the way the judge impressed upon the participants the gravity of the process in which they were engaged. There was a dignity and a seriousness that he bestowed upon the proceedings by his actions and the way he carried them out. She said:

“Going to court is not like going to the post office. Both institutions perform basic needed functions. The difference is that the opportunity to have one’s ‘day in court’ goes way beyond function. It is an essential part of the rights and responsibilities of citizenship. It is what holds the social fabric together.”

Third, courts are a major formative institution in our society. By their actions and attitudes, they teach—and in teaching they shape the society in which we live (Lawrence, 1987). But the demands being placed on the courts in this area are very troublesome. Edmund G. Noyes, Jr., Judge of the Maricopa County Superior Court and Dean of the Arizona Judicial College, has described the complexity of these demands:

Two parties have a problem that they cannot resolve, and they go to court for presentation and resolution. They are then supposed to get on with their lives.

Unfortunately, in domestic relations, juvenile, probate, mental health, and even criminal and civil cases, the courts are being presented with more and

more long-term management problems. Increasingly, the court system is expected to manage people who cannot take care of themselves. As the courts try to do more and more to provide justice in individual cases, they get more and more involved in lifestyle issues. And the frustration grows because the community environment from which the clients of the courts come and to which they return after court, jail, or prison, is frequently a very unhealthy and dysfunctional environment.

In many respects, the courts are being called upon to provide the value system that used to be provided in the home, the moral teaching that used to be provided by the church, the education that used to be provided by the schools. In a healthy society, the role of the court is to enforce values; in this society, the court is increasingly looked to as the *source* of values. (E. G. Noyes, Jr. personal communication, March 17, 1992)

Women and persons of color will account for two-thirds of the American workforce by the year 2000. The changes resulting from this demographic shift promise to be substantial for all societal institutions, including the court system. It is clear that issues of domestic violence as well as gender and racial bias will continue to be a major concern. The Conference of Chief Justices in 1988 passed a resolution that all state courts offer courses on gender bias. Numerous states have passed domestic violence laws that are geared to give the victim, usually the woman, increased protection and quick enforcement of rights. State judicial education programs and the National Judicial College are investing substantial resources in increasing judicial sensitivity to issues related to gender and race, and those efforts continue. The fact remains, however, that most judges come from a relatively homogeneous, narrow background—white, middle class, and male—while court dockets are increasingly made up of persons whose life experiences are frequently very different from their own.

Judicial education has an important role to play in helping the courts respond to these issues. However, simply training judges in new courtroom procedures or updating them on recent court decisions is not enough.

What is needed is *education for development*. It is not so much an approach as a way of thinking about the judiciary and judicial education. Teaching must focus not only on



helping judges to master content but also on helping them develop the more generalized abilities they need in order to meet the complex demands placed on them.

What would judicial education be like that was oriented to the development of the persons within the judiciary? How could courses be designed in order to foster the development of judges such that they are able to think in increasingly complex ways? What kinds of teaching practices would be used in such a program? What are the implications of gender and racial diversity for effective judicial education programs?

The purpose of this monograph is to address these questions by linking what we have learned from good practices in judicial education throughout the country to research that illuminates how professionals change and grow throughout their careers. Our suggestions grow out of our experiences in the Leadership Institute in Judicial Education, a project funded by the State Justice Institute, in which we have worked with over 90 judges, judicial educators and court administrators in 18 states (their names are listed in Appendix A).

Our discussion is arranged as follows: Chapter I suggests a model of how judges can learn most effectively. Chapter II describes different learning styles that participants bring to courses, seminars and workshops. Chapter III explores the concept of “ways of knowing” and implications for judicial education. Chapter IV discusses the stages of development of judges as they move through their careers. Chapter V suggests practical steps on implementation of programs oriented to *education for development*.

The examples we give in our discussion focus on the education of judges, but we only do that for the sake of brevity and because judges are such central persons in the court systems. In fact, *education for development* assumes that educational programs involve all of the key players in the judiciary including court administrators, judicial educators, support personnel and others. The suggestions we make for educational programs for judges can easily be applied to programs for these other persons as well.

In making this presentation we ask three things of the reader. First, be aware that *education for development* involves us not only in a discussion of the practical steps that are familiar to all who have been students or who have done some teaching ourselves. It pushes us also to an extended discussion of what Harvard researcher Robert Kegan, speaking at the Leadership Institute, called “the growth and development of the mind” (1991).

*Education for development* thereby provides a richer ground on which to consider issues such as selection of teaching methods, ways to lead small group discussions and technical suggestions on curriculum development. By taking this approach we intend that this monograph be focused not so much on “how to do” judicial education but rather on “how to think about” judicial education.

Second, be aware that we are limiting our discussion of the development of persons to judicial education. You will see that the ideas we raise have many implications for judicial decision making, as well, but to deal fully with the act of judging specifically is beyond the scope of this monograph.

Third, because the issues around development of the mind are quite complex, it is not enough simply to read this monograph in a cursory way. In effect, we as authors are initiating a conversation with you and others about an approach to judicial education that differs in significant ways from many current practices. We ask for your active participation in the process. As you read, constantly ask yourself to what extent our points about development ring true in terms of your own experience. Stop and complete the exercises that we provide for you. Talk about the points we make and the results of the exercises with a friend or colleague.

Fourth, apply the ideas we present to your own work. For example, if you are a teacher in a judicial education program, try out some of our suggestions about more effective teaching. If you are a judge serving as a member of a judicial education planning committee, ask yourself what the implications of *education for development* are for program design. Through such a process of reflection, analysis and experimentation, this monograph can be a practical tool for you in your judicial education program.





# CHAPTER I

## How Judges Learn

Much of the teaching in today's judicial education consists of faculty members selecting the information they wish to deal with and then presenting lectures on that topic. Thus, teaching is understood to be synonymous with *presenting information for learners to take in*. But taking in information is not the same as *learning*.

*Education for development* differs significantly from this "teaching as telling" approach. It draws heavily on a model that we call the "Learning Circle," adapted from the work of David Kolb (1984), professor of organizational development at Case Western Reserve University. We have found the model to be extremely effective with judges, court administrators and other court personnel.

### The Learning Circle

The Learning Circle depicts learning as a process moving through four learning modes (see Figure 1), a model that can be applied to judicial education. First, learners engage

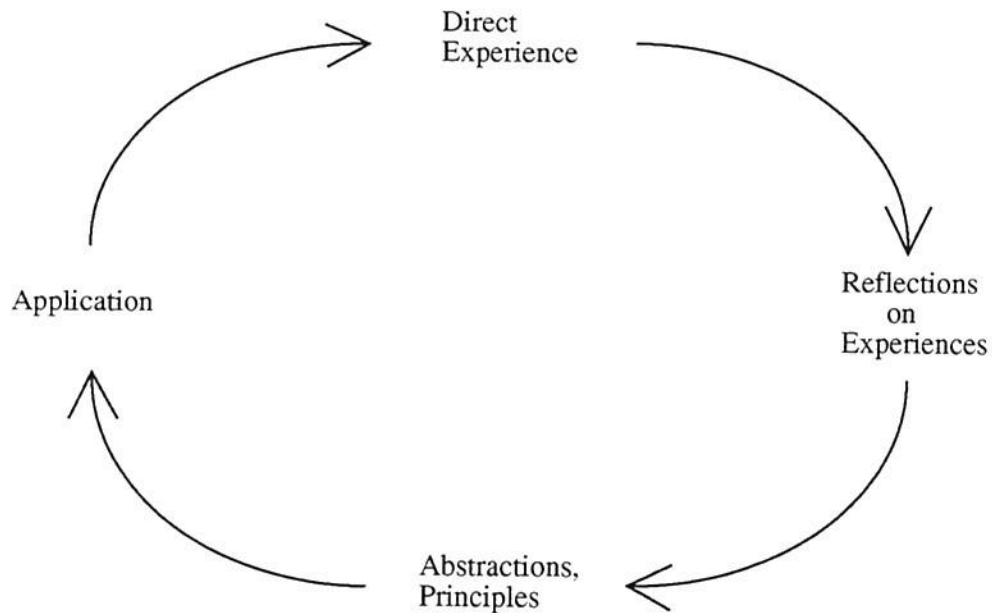


Figure 1.  
The Learning Circle

Note. From *Experiential learning: Experience as the source of learning and development* (p. 21) by D.A. Kolb, 1984, Englewood Cliffs, NJ: Prentice-Hall. Copyright 1984 by Prentice-Hall, Inc. Adapted by permission.

in a *Direct Experience*, an activity in which they actually do something. This may take place by observing a simulated trial, jotting down notes on their experience with a particular issue, or watching a videotape of a judicial hearing.

They then *Reflect* on that experience. They ask themselves, how do I react to this experience? What other experiences have I had that were similar? Are there other ways to look at this experience?

They then develop larger *Abstractions or Principles* which help them understand that experience. These may be provided through lectures or print and are typically drawn from authoritative sources about particular court decisions, legal principles or administrative issues in the court system.

Finally, the learners use these principles as guides to further action, as they *Apply* what they have learned in more complex settings. This can occur through having participants work in small groups to solve problems, or simply list ways they would use the principles in their work.

The Learning Circle is a model we have found to be helpful in *education for development*, and it points to an educational process that differs from most views of teaching in two ways. First, it suggests a *dual-knowledge* view (Kolb, 1984, p. 100) in which taking in an experience directly or through abstractions (the 12:00 noon position and the 6:00 position on the vertical line) are of *equal* importance. In contrast, traditional teaching places emphasis almost entirely on abstractions (the 6:00 position), where the teacher conveys authoritative information to learners, typically through lectures.

Second, it calls for the teacher to engage the learners explicitly in processing what they have taken in (the horizontal line) such that they reflect upon the experience (the 3:00 position) and apply what they have learned (the 9:00 position).

Teaching that engages learners in all four modes of the Learning Circle is more effective than teaching in traditional ways, (a) because it enables learners to master content better than traditional teaching does, and (b) because it enables learners to develop four capabilities that are essential for professionals who want to operate at a level of excellence (Chickering, 1977):

1. the capacity to enter new experiences openly and fully without bias (Direct Experience);
2. the capacity to stand back from these experiences, observe them with some detachment and reflect on their significance (Reflections on Experience);
3. the capacity to develop a conceptual framework or a principle that gives some order to the reflections (Principles or Abstractions); and
4. the capacity to use the framework or principle as a guide to further action, to solve problems or to make decisions (Application).

Justice Holmes once said that “the life of the law has not been logic: it has been experience” (cited in Shaman, Lubet, & Alfini, 1990, p. 2). In like fashion, we use the Learning Circle to suggest that the experience of the learner is central to effective learning. This becomes clear in how the Learning Circle distinguishes between two different dimensions of learning (see Figure 2):

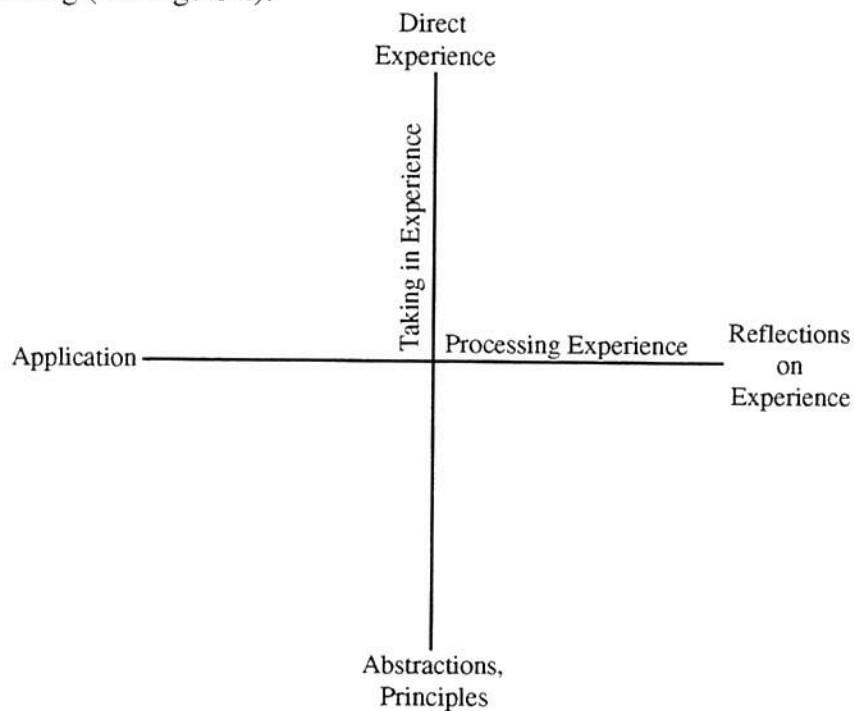


Figure 2.  
Two Dimensions of Learning

Note. From *Experiential learning: Experience as the source of learning and development* (p. 42) by D.A. Kolb, 1984, Englewood Cliffs, NJ: Prentice-Hall. Copyright 1984 by Prentice-Hall, Inc. Adapted by permission.



- *perceiving* or *taking in* an experience (represented by the vertical line); and
- *processing* an experience (represented by the horizontal line).

The word *perceiving* as used here means to become aware of through the senses. In *perceiving* or *taking in* an experience, we become aware of it (a) through the senses directly (i.e., through direct experience) as well as (b) through the senses indirectly (i.e., through abstractions or principles).

The word *processing* means *to treat or to convert by subjecting to some process*. In *processing* an experience that we have previously taken in (either through Direct Experience or through Abstractions), we convert it by subjecting it to two processes: Reflection and Application. In so doing we make the information truly our own. In other words, we learn it.

### **Teaching and the Learning Circle**

Let us now look at how the Learning Circle can be used in judicial education in a seminar or workshop. Let us say that the teacher wants to *help judges learn correct procedures for interviewing a child witness in an incest case*.

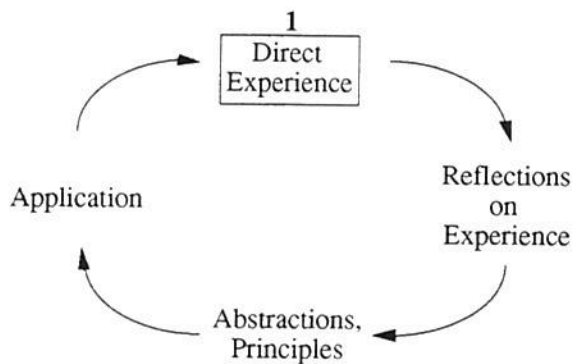
The session begins with the learners watching a 15-minute videotape of professional actors playing the roles of a judge and a child witness in a typical courtroom setting.

After the film is completed, the teacher asks the learners to work together in pairs. They share with each other (a) what they saw happening, (b) how they reacted to it, and (c) what the judge did that they agree or disagree with. After 10 minutes of discussion, the teacher leads the full group in a discussion and asks each pair to share the highlights of their conversation concerning the questioning of the child witness.

In the third step, the teacher presents several recent court cases which speak to the issue of interviewing child witnesses and provides a list of rules to which judges should adhere.

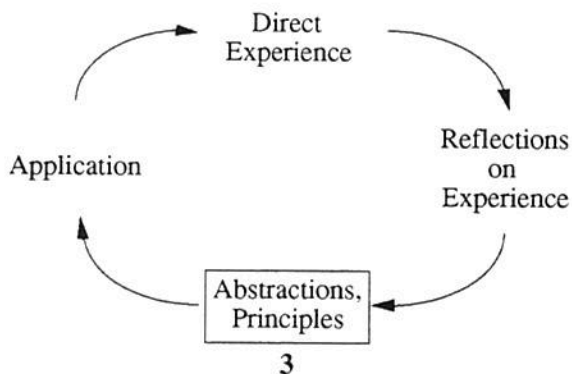
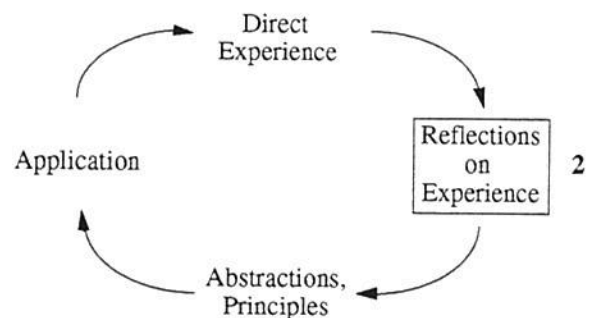
In the fourth and final step, the teacher has the learners observe a second 15-minute videotape, similar to the first one. They are instructed to analyze the performance of the judge by applying the list of rules they have just discussed.

This session can be analyzed through the lens of the Learning Circle.



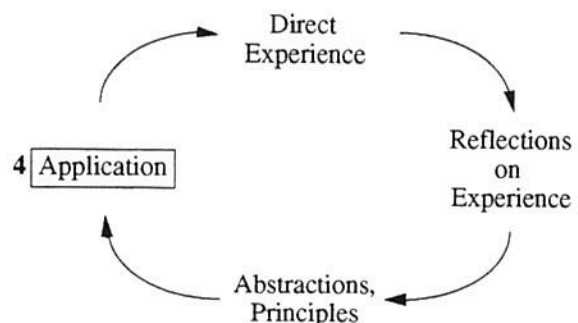
When the learners watched a videotape of a judge interviewing a child witness, they were taking in information through a *Direct Experience*. While they were not actually interviewing the witness, the videotape provided a “real life” experience that qualified as the first step in the Learning Circle.

In the second step, the teacher had them work together in pairs to share their observations and reactions to what they saw and what the judge did that they agreed and disagreed with. Here the learners were processing through *Reflection on Experience*, that is, reflecting upon the experience of watching the videotape.



The third step, taking in experience through abstractions, occurred as the teacher provided authoritative information and *Abstractions*, the list of rules which judges need to adhere to in cases such as this.

In the fourth step, the teacher asked the learners to use the rules to evaluate the performance of the judge in a second videotape. Here the learners were processing their abstract experience through *Application*.



In this example, it is clear that both criteria suggested by the Circle have been met. One, the learners engaged with the topic or issue to be learned in all four modes; two, they were engaged both in taking in information (the vertical line) and processing it (the horizontal line).

To test out our suggestion that the most effective learning experience is one in which learners engage with the issue or skill to be learned in all four modes of the Learning Circle, complete Exercise 1.

### **Exercise 1**

#### **My Best and Worst Learning Experiences**

Step 1: Think of the most powerful learning experience you have ever had as well as a learning experience which you regarded as trivial or unhelpful. (These may have occurred in a classroom or on the job. Or, they may be some combination of the two.)

Step 2: For each of these learning experiences, list the specific activities you engaged in.

Step 3: Arrange the activities for each of the experiences in the four categories of the Learning Circle depicted in Figure 1. For example:

- (a) If it involved something like moot court or interviewing persons in the community, list it under “Direct Experience.”
- (b) If it involved discussing or writing up your reactions to a Direct Experience, list it under “Reflections on Experience.”
- (c) If it involved listening to an in-class lecture or reading a textbook, list it under “Abstractions, Principles.”
- (d) If you carried out projects in which you integrated theoretical information with direct experience, for example, through an internship, list it under “Application.”

Step 4: To what extent did each of the two experiences parallel the Learning Circle? It’s our hunch that the powerful learning experience more closely resembles the Circle. Conversely,



the less potent experience may well have been limited only to one or two parts of the Circle, rather than all four.

Judicial education faculty are frequently advised to “use different techniques.” That is good advice but it alone is not enough, since faculty need to know why they are choosing a particular technique. The Learning Circle can be helpful in this regard.

Having participants make notes on a prior experience or observe a videotape of a trial are examples of Direct Experience. Small group discussions, journals, and reflective papers can be used to involve learners in Reflections on Experience. The use of lectures or films or having learners read journal articles or technical reports engages them with Abstractions and Principles. Practice sessions and group or individual projects can be used for the Application phase.

In workshops and seminars teachers should be thoughtful as to the mode in which they are engaging learners. Start with an activity on the vertical line, so that learners may take in experience. Next, provide an activity on the horizontal line, where the participants can process what they have taken in. Remember that each mode does not necessarily warrant an equal amount of time.

Table 1 presents a list of teaching methods for each of the four modes of the Learning Circle. Note that some methods are listed in more than one mode. For example, a role play might be used for Direct Experience or for Application. Teachers have to be clear as to whether they are engaging learners primarily on the vertical line or the horizontal line.

## Summary

1. Learning involves more than simply taking in information.
2. The Learning Circle is a helpful model for thinking about *education for development*, and it has three important characteristics:
  - (a) It suggests that the most effective learning consists of four steps (Direct Experience, Reflecting on Experience, the development of larger Abstractions or Principles, and Application).

- (b) It posits a dual-knowledge view of learning such that taking in experience directly and doing so through abstractions are of equal importance.
  - (c) It calls for the teacher not only to provide ways for learners to take in experience but also to engage them explicitly in processing their experience.
- 3. The Learning Circle is an excellent guide for the design of courses, seminars and workshops in judicial education.
- 4. The Learning Circle provides a practical framework to help teachers make informed judgments about which teaching methods to use.



**TABLE 1**  
**TEACHING STRATEGIES AND THE LEARNING CIRCLE**

Direct Experience

Activities which involve the learner in the experience either physically or emotionally. Hands-on, uses the sense, engages the learner's feelings. May have to be vicarious experience. "Here and now" data.

1. Recalling past experience
2. Role play
3. Demonstration
5. Observation
6. Case studies
7. Films
8. Interviews
9. Self-tests

Reflections on Experience

Activities which require the learner to step back and look at experience, get perspectives of others, make connections to other experiences.

1. Structured small group discussions
2. Reflective papers
3. Journals
4. Copying notes
5. Asking learners how they react to a session
6. Asking learners to make connections to other learning
7. Asking learners to discuss class session with other people
8. Socratic dialogue

Abstractions or Principles

Information from authoritative sources. Using research and specialized knowledge from the law and other disciplines to develop principles. "There and then" data.

1. Print (benchbooks, journal articles and other readings)
2. Authoritative guidelines (checklists, rules, procedural steps and chronologies)
3. Lectures
4. Films
5. Quick reference guides
6. Forms, charts, documents
7. Flowcharts

Application

Opportunities for the learners to try out principles or theories in problem-solving.

1. Role play
2. Individual and group projects
3. Video-taping of practice session
4. "What if" situations
5. Devising plans of action
6. Problem-solving activities



## CHAPTER II

### Learning Styles of Judges

Participants in judicial education programs have different learning styles, and this has important implications for teachers. For example, a faculty member may wish to use only lecture when in fact many of the participants might prefer a more “hands-on” approach. Conversely, a teacher may emphasize the use of small group discussion or case studies when a majority of the participants want to hear a lecture.

#### Four Learning Styles

Research on the Kolb model of learning styles reveals that adults tend to prefer certain parts of the Learning Circle over others (Kolb, 1984). Four learning styles have been identified (see Figure 3), depending on the person’s preferred mode of taking in experience and his or her preferred mode of processing it.

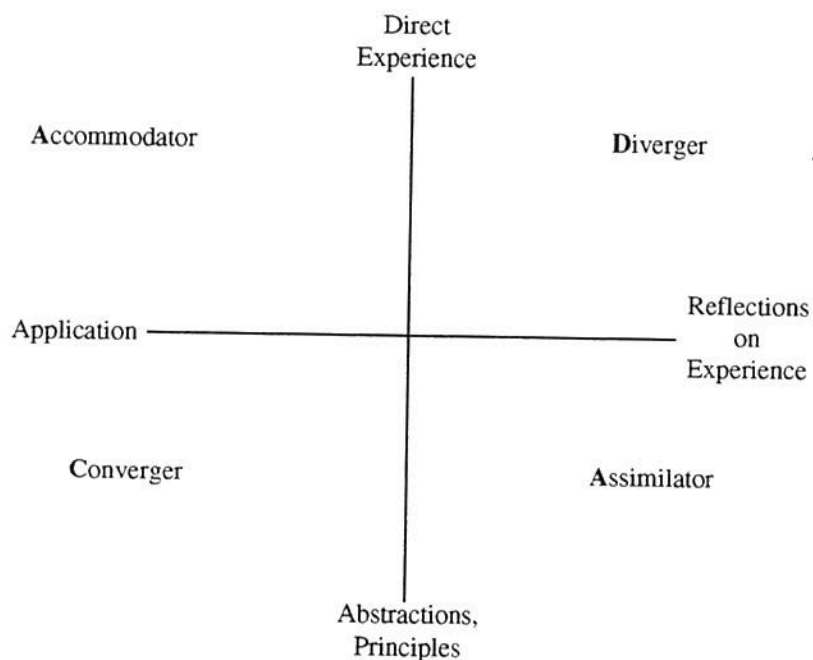


Figure 3.  
Learning Styles

Note. From *Experiential learning: Experience as the source of learning and development* (p. 42) by D.A. Kolb, 1984, Englewood Cliffs, NJ: Prentice-Hall. Copyright 1984 by Prentice-Hall, Inc. Adapted by permission.

## Divergers

Persons who have the first style are called “Divergers.” They like to take in information through Direct Experience and to process it through Reflection (see Figure 4).

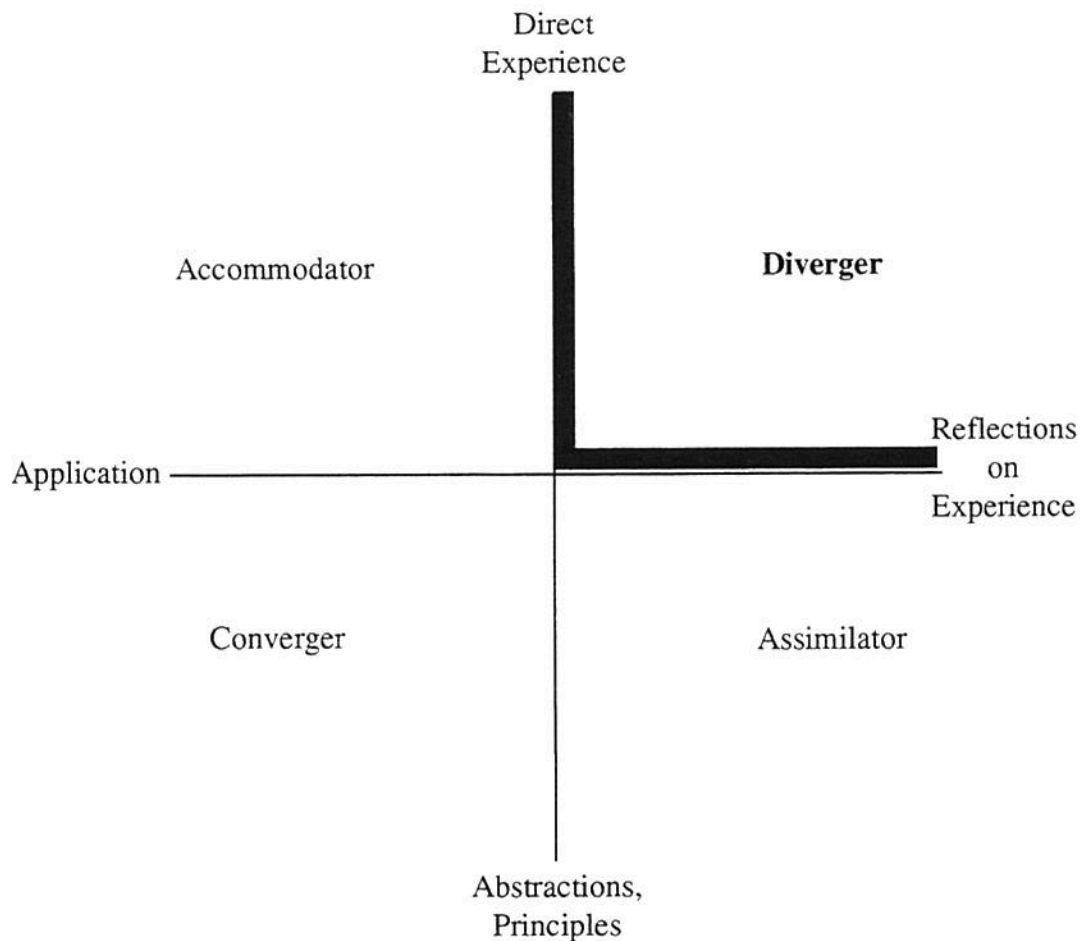


Figure 4.  
Divergent Learning Style

Note. From *Experiential learning: Experience as the source of learning and development* (p. 42) by D.A. Kolb, 1984, Englewood Cliffs, NJ: Prentice-Hall. Copyright 1984 by Prentice-Hall, Inc. Adapted by permission.

Their major strength is their imaginative ability, and they like to view situations from different perspectives and then weave relationships into a meaningful whole. They are called Divergers because they are good at generating ideas and brainstorming. They tend to be people oriented and emotional, and they often specialize in the humanities and the liberal arts.

## Assimilators

The second group, “Assimilators,” prefer to take in experience through Abstractions or Principles and process it through Reflection (see Figure 5). Their primary strength is their

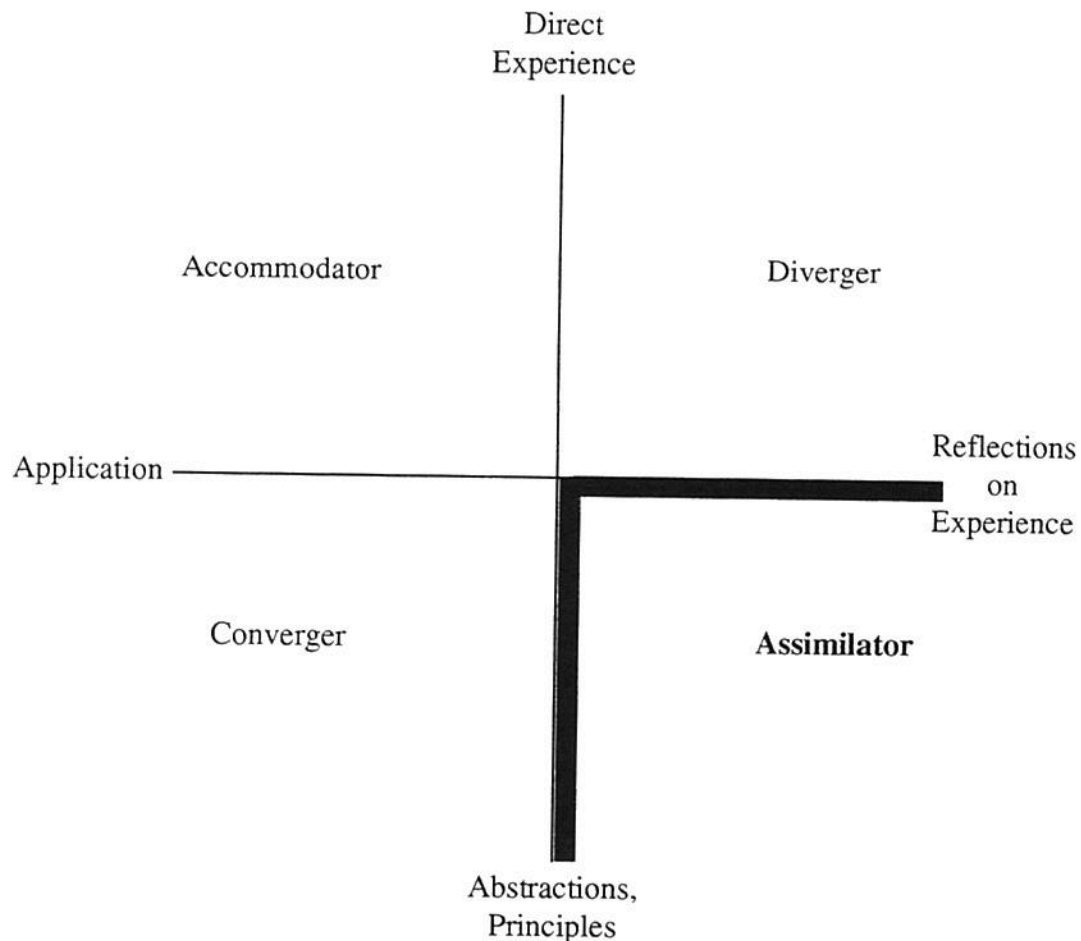


Figure 5.  
Assimilative Learning Style

Note. From *Experiential learning: Experience as the source of learning and development* (p. 42) by D.A. Kolb, 1984, Englewood Cliffs, NJ: Prentice-Hall. Copyright 1984 by Prentice-Hall, Inc. Adapted by permission.

ability to create theoretical models, and they are called Assimilators because they like to assimilate diverse data into an integrated whole. They are less interested in people and are more concerned with abstract concepts. They focus not so much on the practical application of ideas but on the intellectual soundness of the ideas or theories themselves.

## Convergers

The third group, “Convergers,” prefer to take in experience through Abstractions or Principles and process them through Application (see Figure 6). Their strengths are the

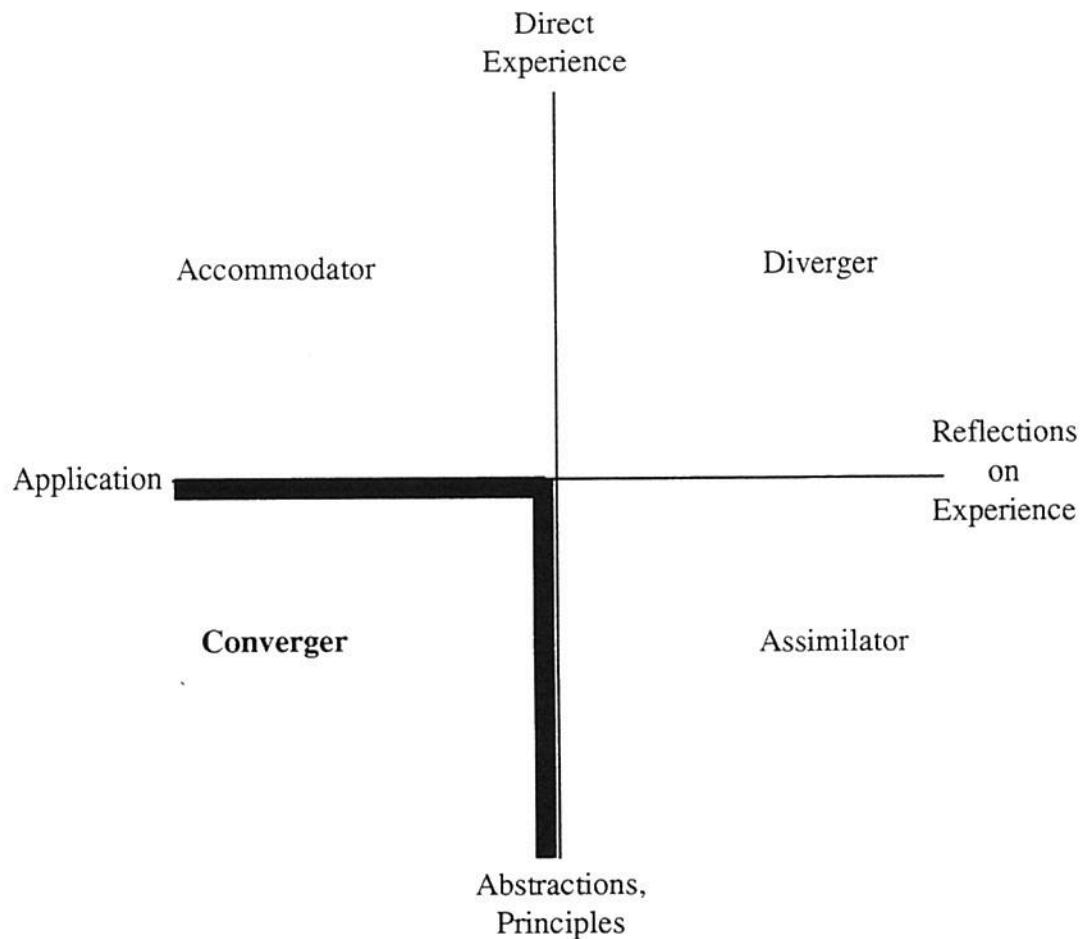


Figure 6.  
Convergent Learning Style

Note. From *Experiential learning: Experience as the source of learning and development* (p. 42) by D.A. Kolb, 1984, Englewood Cliffs, NJ: Prentice-Hall. Copyright 1984 by Prentice-Hall, Inc. Adapted by permission.

opposite of the Divergers. They are called Convergers because, when presented with a question or task, they quickly look for the one correct answer. They tend to be relatively unemotional and often prefer dealing with things rather than people.



### Accommodators

The fourth group, “Accommodators,” prefer to take in information through Direct Experience and to process it through Application (see Figure 7). Their strengths are the

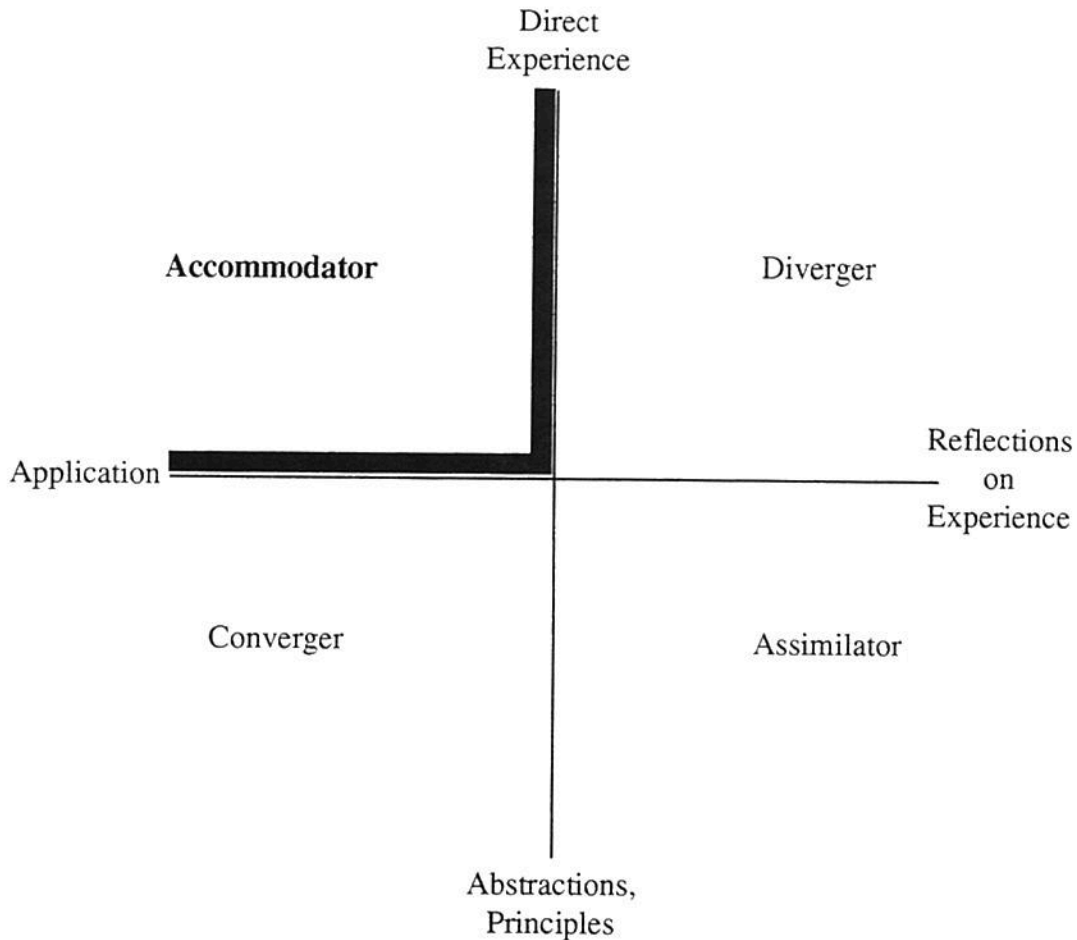


Figure 7.  
Accommodative Learning Style

Note. From *Experiential learning: Experience as the source of learning and development* (p. 42) by D.A. Kolb, 1984, Englewood Cliffs, NJ: Prentice-Hall. Copyright 1984 by Prentice-Hall, Inc. Adapted by permission.

opposite of the Assimilators, and they like to focus on doing things and having new experiences. They are risk takers and are called Accommodators because they do well in situations where they must adapt to meet new circumstances. They are intuitive and often use trial and error approaches to solving problems. Under pressure they are often impatient, even pushy, and when confronted with a theory that does not match the facts as they see them, they tend to discard the theory.

You can determine your own style of learning by completing the Learning Style Inventory, available from McBer & Co., 137 Newbury St., Boston, MA, 02116. More informally, you can get some sense of your style by completing Exercise 2.

## Exercise 2

### Learning Styles

Step 1: Review the four paragraphs below which describe the characteristics of each of the four styles in the Kolb model (Kolb, 1984, pp.77-78). (Remember that there is no “pure” style and so you will no doubt find some characteristics in each of the four styles that sound like you).

Step 2: Select the paragraph that sounds most like you, then the one that is second, then the one that is third, and then the one that is least like you.

Step 3: Observe your own ways of acting, particularly in learning contexts such as a workshop or learning on the job. See if your behavior and attitudes confirm or disconfirm your selection.

Step 4: Try out your impressions and conclusions with a friend or coworker who knows you well.

- *Divergers* prefer *Direct Experience* for taking in new information and *Reflections on Experience* for processing it. They are good at understanding others, recognizing problems, generating ideas and brainstorming.
- *Assimilators* prefer *Abstractions and Principles* as means of taking in new information and *Reflections on Experience* for processing it. They are more interested in abstract concepts than in people, concerned about the precision of ideas or theories, and good at inductive reasoning, planning and building models.
- *Convergers* prefer to use *Abstractions and Principles* as means of taking in new information and *Application* for processing it. They are relatively



unemotional and prefer dealing with things rather than people. They tend to have technical interests, are strong in the practical application of ideas, and are good at problem solving.

- *Accommodators* prefer to use *Direct Experience* for taking in new information and *Action* for processing it. They like new experiences which call for risk-taking, intuitive decision making, and they are good at adaptive behavior. They excel at getting things done and taking leadership roles.

Incidentally, while the Kolb Learning Style Inventory does show that everyone is one style or the other, some people show nearly equal preferences for all four ways of learning. We once did a workshop for a group of dental education faculty and one participant commented that he was not surprised when he found that he was like that. We chuckled when he said, “I always knew it—I’m a committee!”

### **Learning Styles and Teaching in Judicial Education**

It is safe to assume that all four styles will be represented by the participants in practically any judicial education program. How can knowing about the four learning styles be useful to curriculum planners, course developers, and instructional designers? How can it inform persons who are teaching in the program?

First, this knowledge helps us understand why a learning activity that worked well with one group does not seem to work as well with another. It may well be that the activity used in the first session was highly consistent with the styles of the majority of participants, while this may not have been the case with the second.

Next, it reminds us as teachers in judicial education programs that we, too, have our own learning styles. Clearly, one’s style influences how one teaches. We need to be thoughtful about whether we are designing a course strictly in accordance with how we would prefer to learn certain material. *Education for development requires teachers to design courses in ways that serve the interests and needs of all learners.*

Third, it underlines the importance of using a variety of teaching methods and learning activities in our seminars or workshops. A certain amount of time should be allotted,

for example, to lecture (giving authoritative information, which is an abstract activity), but opportunities for Direct Experience, Reflection, and Application should also be provided. While the rationale for this approach lies in improved learning, such a plan has the added benefit of providing variety for teachers and learners that can help avoid boredom and lethargy.

Some persons might argue that a teacher should determine the learning styles of the persons in a course and then use the teaching methods consistent with the style of the different groups. That is one approach, but it is not our primary recommendation. The model of *education for development* presented here is based on the dual-knowledge view of learning mentioned earlier, that knowing through Direct Experience and knowing through Abstractions are of equal importance. We believe this to be true for all learners, no matter what their style, gender, culture or race. By engaging learners in the two modes of the vertical line as well as the two modes of the horizontal line, learners are involved not only in activities with which they are comfortable but also in activities that help them develop other capacities as well. *That is one of the major ways that teaching “around the circle” is developmental.*

We suggested in the earlier example on ways to interview a child witness that effective learning occurs when learners have the opportunity to move through all four modes of the Learning Circle. Such an approach is also responsive to all four styles, as seen in the following example.

Let us say that the objective of a judicial education session is *to help judges learn current applications of hearsay rules.*

1. The session begins with the teacher asking the participants to engage in Direct Experience by taking 5 to 7 minutes to jot down problems they have encountered with regard to hearsay rules.
2. The instructor then asks participants to share their Reflections on those problems and leads a discussion of the various responses and reactions.
3. The teacher makes a formal presentation on hearsay rules, providing information and commentary on recent court decisions. In so doing, frequent references are made to the experiences the learners described earlier, tying the new Abstractions to the learners' Direct Experiences.

4. The teacher asks individuals from the group to Apply the new information by participating in a role play that replicates a typical court room scene. A “witness” presents evidence, the “attorney” requests that it be admitted, and the other “attorney” argues that it is not admissible. The other members of the class are instructed to observe the role play and write down how they believe the judge should rule, using the authoritative guidelines presented earlier.

Afterwards, the teacher leads the participants in a full-group discussion, as they share their observations about how well the judge carried out this task.

By carrying out learning activities in each of the four modes, this second example of teaching around the circle is responsive to all four styles.

1. The writing of notes concerning problems they had in working with hearsay rules and the subsequent group discussion are consistent with the preferences of Divergers for Direct Experience and Reflection.
2. The group discussion and the teacher’s presentation on hearsay rules are responsive to the preferences of Assimilators for Abstractions and Reflection.
3. The presentation and role play respond to the Convergents’ preferences for Abstractions and Application.
4. The combination of role play and subsequent discussion are responsive to Accommodators’ preferences for Direct Experience and Application.

### **Learning Styles and Teamwork in the Court Systems**

This model of learning styles has several important implications for judicial education and for work settings in the court system generally. It provides a framework for helping us think about individual differences and diversity in ways that are positive rather than troubling. Equally important, it reminds us that each person in a work setting has particular strengths that he or she can bring to a task. This perspective provides a major step forward



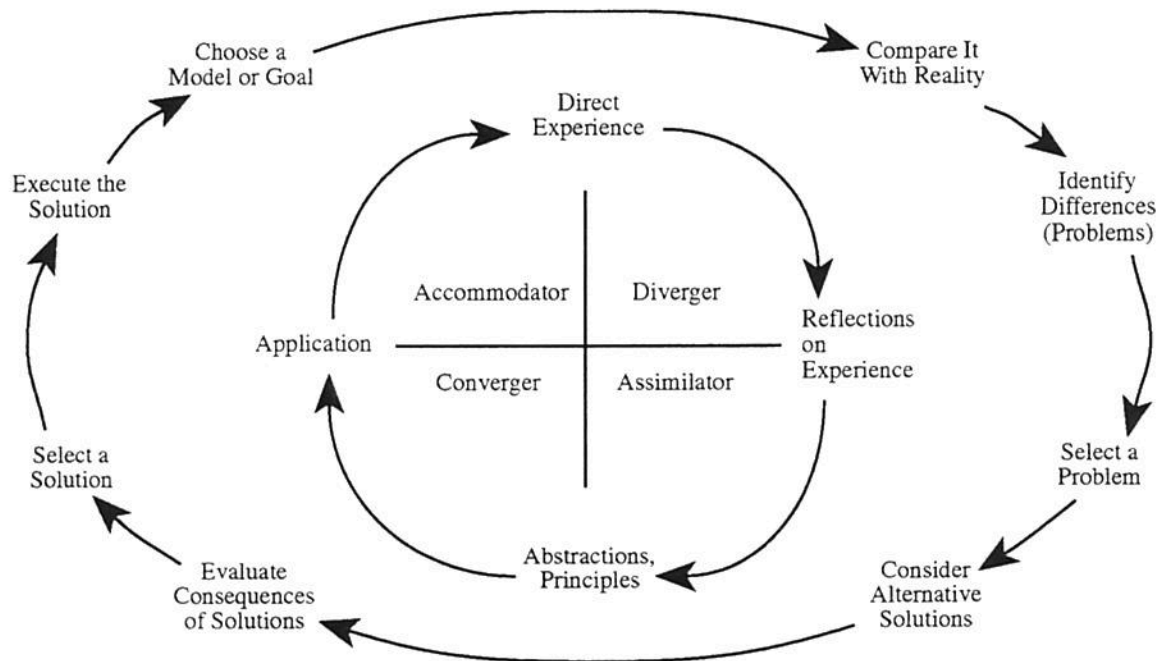


Figure 8.  
The Learning Circle and Problem Solving Skills

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in enabling judges, court administrators, judicial educators and others to work together as effective teams.

For example, the Learning Circle can be thought of as a planning model, one which involves several important problem-solving skills (see Figure 8). It suggests that once a goal is selected, Divergers are good at identifying differences between it and reality. Assimilators are good at selecting the particular problem to work on and at suggesting alternative solutions. Convergents are good at evaluating the consequences of various possible solutions and selecting a particular solution. As the Circle enters the closing phase, Accommodators are good at executing the solution.

The effective leader in a work setting is one who structures tasks such that all persons are able to contribute from their particular area of competence. Further, the conflicting approaches or styles of the participants can be a source of creative rather than destructive conflict. For example, the best results will occur where all four styles are represented. Said

another way, to achieve maximum productivity, Divergers need Convergers (and vice versa), and Assimilators need Accommodators (and vice versa).

The problems and pressures that courts of the twenty-first century will have to deal with make it imperative that judges, court administrators, judicial educators, and others increasingly learn to work together as teams. Court systems can only function effectively if leaders are able to tap into the talents that each of the members of the organization bring. Learning styles information can be extremely useful in helping people find ways to work together for the benefit of the larger organization. It provides a sound basis for building community and encouraging collaboration and cooperation.

## Summary

1. Learners have different learning styles, and teachers need to take these into account in designing judicial education courses, seminars, and workshops.
2. The Kolb model presents four learning styles: *Divergers*, who prefer to take in information directly and process it reflectively; *Assimilators*, who prefer to take in information abstractly and process it reflectively; *Convergers*, who prefer to take in information abstractly and process it actively; and *Accommodators*, who prefer to take in information directly and process it through application.
3. In practically any program all four styles will be represented, and teaching “around the Learning Circle” responds to all four styles because it provides a systematic match and mismatch for the learners. Further, such an approach is helpful for learners irrespective of gender, race, culture, education or socio-economic background.
4. Knowledge of different learning styles is helpful in fostering collaboration in the work setting, since it enables leaders to capitalize on the diverse talents of group members.





## CHAPTER III

### Ways of Knowing

Our discussion of *education for development* turns now from learning styles to a related issue: *ways of knowing*. How do I know what I know? What do I take to be the truth? What avenue do I use to arrive at understanding and making a decision?

Direct Experience and Abstractions, the two points on the vertical line, are actually two different ways of knowing (Kolb, 1984, p. 102). There are two additional frameworks which, though not precisely the same as Direct Experience and Abstractions, are closely related. They augment and amplify our discussion of the Learning Circle and thus an examination of them enables us to describe more fully the nature of *education for development*.

#### Connected Knowing and Separate Knowing

An interdisciplinary team composed of researchers Mary Belenky, Blythe Clinchy, Nancy Goldberger, and Jill Tarule (1986) have described two ways of knowing. The first, called Connected Knowing, focuses on *understanding* in the sense of the French word *connaitre*, which implies a personal acquaintance with the issue or person being studied. This way of knowing assumes that “the most trustworthy knowledge comes from personal experience rather than the pronouncements of authorities” (pp. 112-113). It requires the knower to see other persons in their own context and to understand them through feeling and relationship. In Connected Knowing persons arrive at truth through care, and the capacity for empathy with others is central.

The second is Separate Knowing, and it emphasizes *knowledge*. It entails a separation between the object of study and the knower, and it is oriented towards skepticism and impersonal, rational rules by which data are evaluated. It attempts to avoid subjectivity in the belief that personal feelings would contaminate the search for truth. Its dominant motif is doubting and detachment, and it holds issues at arm’s length and examines them through the logic of analysis and principles. Separate Knowing understands the critical value of “disinterested reason” (p. 102).

While these two ways of knowing are not gender specific, they are gender related. That is, there are probably more men in the United States who are oriented to Separate

Knowing and more women oriented to Connected Knowing. But one's way of knowing does not depend on one's gender. Each of us has feminine as well as masculine parts of the self, regardless of gender. Nevertheless, it can be useful to think of Connected Knowing as a more feminine, subjective way of knowing and Separate Knowing as a more masculine, objective way of knowing.

A greater awareness of Connected Knowing illuminates the fundamental character of the women's movement in this country. As Parker Palmer (1987), an influential professional educator, has explained, the women's movement is not primarily about equal pay for equal work or about power or about child care. While it is about those things, it is really about a different way of knowing, a different way of being, a different way of seeing and understanding the world. His argument is that educational institutions and the society generally denigrate what Belenky et al. (1986) call Connected Knowing and thereby trivialize an important way of understanding the world.

"A Jury of Her Peers," a short story written by Susan Glaspell (1936), vividly portrays the differences between Connected Knowing and Separate Knowing. Read the story (see Appendix B) and answer the questions provided in Exercise 3.

### **Exercise 3**

#### **Ways of Knowing**

1. In the short story, "A Jury of Her Peers," what do the attitudes and actions of the men tell you about what they believe is the way to discover the truth about what actually occurred?
2. How are the attitudes and actions of the women different from those of the men?
3. How would you relate the concepts of Separate Knowing and Connected Knowing to what takes place in the story?
4. How do you explain the title of the story?
5. What are the implications of the story for judicial education?



Separate Knowing is a way of knowing that often characterizes legal and judicial education. This is unfortunate for several reasons.

First, the conceit of Separate Knowing is that it acts as if the only way to arrive at truth is through detachment and analysis. In fact, Connected Knowing is also a valid way of ascertaining truth, of getting to the heart of reality through personal experience. Not only is it legitimate, but, in some instances it may provide the only access to that reality, and to negate it is to deny a major source of understanding.

Second, Separate Knowing frequently makes the mistake of thinking that it is fully objective when, in fact, that is impossible. Our subjectivity is always with us—that is the nature of being human. The problem is not so much that judges will be influenced by their subjectivity. Rather, it is that they will be unaware of their subjectivity and not take it into account in examining the issues in a particular case.

Third, the orientation to Separate Knowing *alone* develops a mind set which promotes a limiting and simplistic way of looking at the world. Such a stance is particularly devastating in cases related to family and lifestyle matters as well as cases involving employer-employee relations and business partnerships. As Justice O'Connor notes, "Court decisions typically declare a winner and a loser. Often times that is not the best way to resolve a dispute between people with ongoing relationships" (1991, p. 12).

This dominant emphasis on Separate Knowing has a powerfully negative impact on some people in the legal profession. Many find the reliance solely on Separate Knowing counterproductive at best, extremely painful at worst. The denigration of subjective feelings and intuition and the singular emphasis placed on objectivity, detachment, and abstract principles create serious stress for women (Jack & Jack, 1990) and men who are oriented to connection and empathy. In effect, they are being asked to deny a part of themselves while at the same time being required to use a way of approaching problems which creates a sense of internal pressure and contradictions.

### **Relational Knowing and Objectivist Knowing**

Parker Palmer (1987) has developed a framework of polar opposites analogous to Connected Knowing and Separate Knowing that he calls Relational Knowing and Objectivist

Knowing. He states that there are serious consequences of education's almost total emphasis on objectivist, Separate Knowing:

...the way we know has powerful implications for the way we live. ...every (way of knowing) tends to become an ethic, and ...every way of knowing tends to become a way of living. ...The relation established between the knower and the known, between the (learner) and the subject, tends to become the relation of the living person to the world itself. (p. 22)

The problem is that the heavy emphasis on objectivist knowing causes us to hold everything at arm's length in an attempt to keep knowledge free of subjective bias (Palmer, 1987). In the process it "divorces that knowledge ... from our personal life" (p. 22). Further, such a way of knowing quickly becomes an ethic of competitive individualism. It is an ethic which breeds intellectual habits that destroy community. "We make objects of each other and the world to be manipulated for our own private ends" (p. 22).

The context for Palmer's analysis (1987) is the need for a greater sense of community in educational programs and in society generally. He explicitly links the absence of community with the dominance of objectivism in education, and argues that objectivism, when used alone, "is essentially anticomunal" (pp. 23-24). Building community in educational institutions or other settings will not occur unless we confront the issue of ways of knowing and the resulting implications for teaching. Further, the recognition of both relational and objectivist knowing is essential if the judiciary and judicial education are to deal responsibly with the diversity of persons they serve. Without that there will be little progress in creating a genuine ethos of community, collaboration, and interdependence among judges and other court personnel in their mutual striving to provide justice to the greater community.

### **Implications for Judicial Education**

While it would be incorrect to say that the three bipolar frameworks that we have discussed (Kolb's Direct Experience-Abstractions, Belenky et al.'s Connected Knowing-Separate Knowing, and Palmer's Relational Knowing-Objectivist Knowing) are identical, they are highly analogous (see Figure 9). They all rest on the same assumption of a dual-knowledge view of learning. This culture's present emphasis on Separate/Objectivist Knowing alone is inappropriate and the knowing that comes through engagement on both



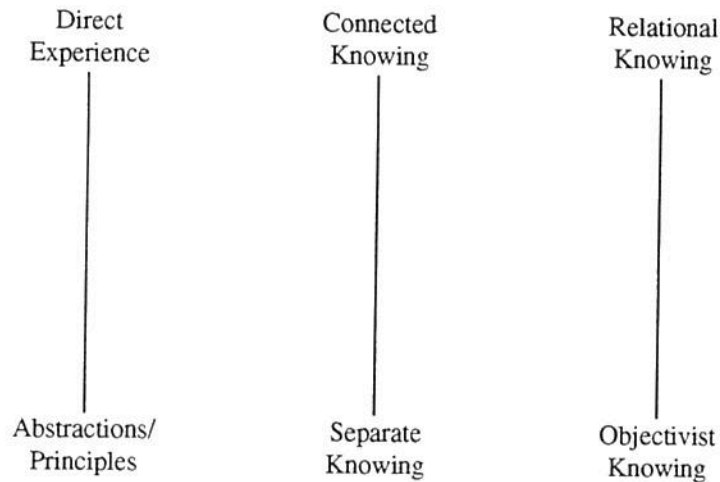


Figure 9.  
Alternative Ways of Knowing: A Comparison of Three Bipolar Frameworks

ends of the continuum needs to be honored if programs are to be genuinely geared to the development of people.

The poet Robert Frost has observed that the purpose of the law is to provide justice in a system that is also in need of mercy. The issue that underlies our discussion of the use of these three bipolar frameworks is the same as he speaks to: the integration of opposites. We arrive at a more adequate and comprehensive truth if we seek it not only through skepticism, objectivity, and abstractions but also through empathy, subjectivity, and direct experience. By having learners employ these opposite approaches to knowledge and understanding concurrently, they also move to more complex thinking via the tension between the two, and in so doing increase their capacity for providing justice. “We live our lives in the in-between” (Knefelkamp, 1990), and judicial education is more effective when it is crafted in ways that reflect this fundamental truth about people and how they develop.

Finally, the relationship between ways of knowing and community seems particularly important for judges and the court system generally. The culture of the United States, with its major emphasis on competition and individualism, is extremely fragmented. The judiciary, because of the pressures placed upon it, reflects this fragmentation as well.

In this respect, judges are no different from anyone else. The problems they confront are often daunting and many of them experience a sense of isolation and an absence of community and friendship with others that only makes their situation more troublesome.

In our view, judicial education cannot stand aside from this dilemma of absence of community. Persons in the field need to be aware that the selection of teaching methods and the design of courses, seminars, and workshops are decisions with far reaching consequences. Using teaching methods that only foster the capacities for Separate/Objectivist Knowing does not enable learners to develop either personal wisdom or the ability to participate in work settings characterized by collaboration.

On the other hand, using methods which foster abilities in Separate/Objectivist Knowing and Connected/Relational Knowing not only helps learners master content. It also enables curriculum planners and teachers to create richer programs that *respond to diverse learners, foster more complex thinking, and enable learners to develop the capacities needed to work collaboratively with others.*

Such powerful payoffs are within our reach. Earlier we gave examples of teaching methods for each part of the Learning Circle (see Table 1, Chapter I). As we provide Direct Experience via the recall of past experience, role play and case studies, and as we provide learners with learning via Abstractions through lecture, print, and authoritative guidelines, we are honoring Connected/Relational Knowing as well as Separate/Objectivist Knowing. As we also engage the learners in Reflections on Experience and Application, we are providing *education for development.*

## Summary

1. Direct Experience and Abstractions (Kolb, 1984), the two ends of the vertical line, are two different ways of knowing.
2. Two similar frameworks depicting alternative ways of knowing are Connected Knowing-Separate Knowing (Belenky et al., 1986) and Relational Knowing-Objectivist Knowing (Palmer, 1987).
3. Connected/Relational Knowing is a more subjective way of knowing where truth is discovered through connection and empathy, while Separate/Objectivist Knowing is a more objective way of knowing where truth is arrived at through detachment and skepticism.

4. While these two ways of knowing are not gender specific, they are gender related in that there are probably more women oriented to the first and more men oriented to the second. Both men and women can develop—and need—the abilities represented by each of these ways of knowing.
5. Separate/Objectivist Knowing is dominant in all of education, including legal and judicial education.
6. A way of knowing becomes a way of being, and judicial education programs which emphasize Separate/Objectivist Knowing, to the exclusion of Connected/Relational Knowing, foster within learners a capacity for objectivity, detachment and skepticism but not a capacity for subjectivity, connection, and empathy. A recognition of both ways of knowing is needed if court systems are to be characterized by a sense of community in order better to respond to the greater needs of the community.
7. The tension created by employing these opposite approaches to knowledge and understanding fuels development. Learners are thereby enabled not only to master content but also to develop as human beings, personally and professionally.
8. Since Direct Experience and Abstractions are analogous to Connected/Relational Knowing and Separate/Objectivist Knowing, the Learning Circle can serve as a helpful guide in the selection and use of teaching methods in judicial education programs.





## CHAPTER IV

### How Judges Develop

#### Developmental Stages of Judges

The most important task of the adult years is to build increasingly adequate structures of thought.

What are structures of thought? And why are they such an important part of our lives? The answer to those questions—and their implications for the continuing education of judges—is the focus of the next part of our discussion.

In a series of classical experiments performed many years ago, renowned researcher Jean Piaget (1950) would present a small child with two beakers, one tall and slender, the other short and fat. He would pour water into the tall one and ask the child to notice the water line. He would then pour the water into the fat beaker, where, of course, the water line was much lower. He would ask the child to look at the fat beaker and say whether there was less water or the same amount in it as there was in the skinny beaker. The child would respond clearly, “There’s less.”

Piaget would pour the water back into the slender beaker. The child would say there was now more water. The researcher would repeat the experiment again and again, and the child’s response would remain the same.

A friend of ours who works in judicial education tells of being a graduate student at Harvard and learning of Piaget’s research. As part of a class assignment he worked with a group of small children on the same experiment. They consistently made the same observation Piaget’s subjects did.

He said to us, “I don’t think I ever really believed Piaget’s findings until I saw it with my own eyes. There was even one little boy in the group who was particularly sharp. After I had them do the experiment several times he looked at me and said, ‘Look, I know what you want me to say. You want me to say there’s the same amount of water in the fat bottle as there is in the skinny bottle. But it’s not. It’s less!’”



While we may be amused by the children's observations, it's important to remember that what they saw, how they viewed reality, was, in its own way, correct. There was "more" water in the slender beaker since the water line was higher. That was consistent with their structure of thought.

As the children grow older, of course, the way they see reality will change and their ways of making meaning will become increasingly accurate and adequate. But for that time in their lives, that way of understanding is appropriate. It deserves respect, for each structure of knowing has its own integrity. Furthermore, their later, more mature ways of seeing the world will rest on the foundation of that earlier understanding.

While such research has in the past been primarily focused on children and adolescents, the last 20 years have been a time of extending these investigations and findings into the adult years. "The idea that we are ever all grown up is a myth" (Kegan, 1991). The evolutionary path of each of us follows a predictable pattern as we move from seeing things in simplistic ways to developing increasingly complex structures of thought by which we make sense of the world around us.

"Sex Education," a short story written by Dorothy Canfield (1946), illustrates the idea that we see the world differently as we get older. Read the story (presented in Appendix C) and answer the questions provided in Exercise 4.

#### **Exercise 4**

##### **Stages of Thinking**

1. In the short story, "Sex Education," what happened to Aunt Minnie in the corn field?
2. How do you account for the three different versions of the incident that she relates?
3. What does each version tell you about Aunt Minnie's pattern of thinking?
4. What implications does the story have for dealing with persons in the courtroom?
5. What implications does the story have for judicial education?

Research on stages of development, as they are called, make it clear that to work effectively with learners, we need to understand not only what they know but also how they know.

What are stages of development of judges? The following framework of developmental stages is based on our work with judges and our examination of research in this area. It is particularly indebted to the work of educators William Perry (1970), Mary Belenky et al. (1986), Robert Kegan (1982), David Kolb (1984), and law professor Paul Wangerin (1988).

### **Stage 1: Dualistic Thinking**

As the term implies, persons at this stage are quite dualistic. To them the world is divided into twos: something is either right or it is wrong; it is black or it is white; it is good or it is bad. They are unable to tolerate ambiguity and will screen out information that does not fit with the answer or side of an argument that they favor.

They believe there is a right or wrong answer, and they use authority (the government, the church, the teacher) as a guide as to “knowing” which answer is correct. They do not typically think of themselves and their own experience as a source of insight and authority.

Often clear and categorical in their thinking, and having a need for others to believe as they do, they are frequently moralistic and judgmental about others. They are unable to stand back from their own thinking, reflect upon it, and evaluate its adequacy, and they have difficulty genuinely empathizing with others.

Along with the inability to be self-reflective, they do not think of themselves as evolving or becoming something more than they are now. This static view of themselves is also applied to others. Persons at this level tend to think in stereotypes and often speak in absolutes.

In terms of learning they tend to view the teaching and learning process as an information exchange. In the eyes of a dualistic thinking person, “The teacher has ‘it’ and that person’s role is to give ‘it’ to me.” Knowledge is conceived of as discrete bits of information. Working hard is equated with high quality work. A paper or report that is 15 pages in length is better than one that is 10 pages. Persons at this level of thinking view



education as a means to “get” something. Rather than seeing such an instrumental objective as only one part of genuine education, in the sense of deepening and broadening one's understanding of the world, their focus is strictly on learning a particular fact or skill.

### Dualistic Thinking and the Court System.

In spite of this negative description we have given, this developmental stage is not inappropriate for children, adolescents or, in some instances, new learners. Research on college students indicates that most entering freshmen are in the late stages of dualism. As they go through their early years of college, they frequently move beyond this stage as their experience with the disciplines and exposure to new environments enable them to develop new and more adequate ways of thinking.

Note that we have said here that learners “develop” new structures of thought. It isn't something you learn, like learning to write an essay or learning the causes of the Civil War. It is a cast of mind, a way of dealing with particular content.

Many adults remain essentially in this dualistic stage, even though they might be in very responsible and high-level positions in their jobs and community. However, this stage is not appropriate for adults because it is not adequate to deal with the complexity of the world and the issues of adult life. All truth is not known, there is more than one side to a story, and the context does have to be taken into account when dealing with an important issue.

What about law students? Law professor Paul Wangerin (1988) has concluded that most of them, particularly in the first year, operate at a dualistic stage. This may be a reflection of the fact that, under pressure and faced with threatening circumstances, people frequently revert—temporarily—to an earlier stage. They then go through the stages again, although they do so more quickly and at a more sophisticated level. It would not be surprising, therefore, for a person who enters law school to operate ordinarily at a higher level but to move back to a more dualistic way of thinking. This is particularly true in light of the stress and pressure which surround the law school experience or, in fact, many new learning experiences.

One of the most serious consequences of dualistic thinking on the part of adults is their tendency, because of their stereotypical thinking, to harbor prejudice against people who are different from themselves. Racial and gender bias, sexual harassment, and family

violence and abuse are all problems which may be linked explicitly with dualistic, stereotypical thinking.

Judges who are new to the bench may, if under pressure and unsure of themselves, also revert to some of the characteristics of dualistic thinking. More troublesome, however, is the fact that there may be some veteran judges who still think at a dualistic level. For example, one judge said to us: "Look, this is how judging is done. You take a law. You take a set of facts. You apply the law, and you make a decision. If you do it right, it will come out the same way every time."

Of course, that is not always or even often true. Even with the widespread use of fixed sentencing, there is still the element of context, of particular circumstance and nuance, which requires the judge to do more than simply connect a particular case with a particular ruling. Further, new guidelines in the federal court system allow judges to consider relevant conduct in sentencing defendants. Thus, the increase in judicial discretion in rulings carries with it the need for and the ability to think in ways that are more complex than those typical of the dualistic stage.

We do not wish to imply that definitive and decisive action on the part of a judge means that he or she is dualistic. Laws are written and courts are established to discriminate between behaviors that are acceptable and those that are not. Thus, a decision alone does not provide sufficient information on which to base a conclusion about a particular stage of development. It is the thought process utilized to arrive at a ruling that makes such a determination possible.

A judge's ruling may more appropriately be explained through the depiction of convergent thinking. Analyzing the facts of a case and applying pertinent principles of law to arrive at a decision reflects the capacity for convergence and should not be confused with dualism.

## **Stage 2: Contextual Thinking**

Persons who are at this stage realize that there is not always a clear and straightforward answer to every problem or issue. They are able to see issues and problems in their own context.



They realize that knowledge is not simply taking what an authority says and treating it as “the answer.” They know that all authorities do not agree, and they are not bothered by this. They realize that they need to think for themselves and to evaluate evidence and possible answers, including those given by authorities. More than that, they are able to “think about their thinking.” They have the ability to get outside of themselves and to evaluate their own thought processes. Further, they respect that ability in others. This is not a paralyzing or immobilizing way of functioning, but, rather, the capacity to remain aware of what they are doing and how they arrive at solutions or conclusions.

Persons who are contextual thinkers can empathize with others; they can enter into their thinking and “walk in their shoes.” They realize that each of us is shaped to some extent by our circumstances, and they know that they cannot use solely their own background to evaluate the actions of others.

They are able to articulate and document the process they used to arrive at a particular conclusion. They realize it has to be clearly grounded in the data and information relevant to that situation.

#### Contextual Thinking and the Court System.

Thinking in context—or at least one particular conception of it—is at the heart of the work of the judge and indeed of the judiciary generally. It is the voice of reason in that it synthesizes the facts of a case, examines them in light of the relevant legal issues, applies the principles of law and precedent, and reaches a decision.

Captured visually by the image of law as a blindfolded woman holding the scales of justice, it prides itself on impartiality. It seeks to be guided by logic and rationality, and it tries to screen out subjectivity and emotion.

It is not entirely blind to feelings, however, in that it tries to see litigants in their own contexts. It weighs the circumstances of the particular case and then applies the law, taking into account the needs of the state and the needs of the individuals involved.

The problem with present conceptions of contextual thinking in today’s court system is that much of it is dominated by what we have called Separate Knowing. With its emphasis



on knowing through detachment, it is not adequately informed by Connected Knowing, with its emphasis on knowing through connection.

We hope that our discussion of Separate Knowing and Connected Knowing brings into clear focus a major point: judicial education needs to make fundamental changes in how it conceives its purpose and the teaching methods employed to achieve that end. An emphasis on Separate Knowing without the counterbalance of Connected Knowing is not enough. What is needed on the part of judges is structures of thought that honor and integrate both: the search for truth through objectivity and detachment and the search for truth through subjectivity and connection.

### **Stage 3: Integrated Thinking**

Persons at this stage have an ability that is beyond those of earlier stages: they are able to integrate opposites. Integrated Thinking embraces both Separate Knowing and Connected Knowing by listening to both the voice of reason and the voice of intuition. It honors the principles of law while at the same time it honors the particular circumstances of the persons involved in the case. Furthermore, it recognizes the subjective nature of many of the processes used to sort out facts in order to determine the truth.

In this integration of Separate Knowing and Connected Knowing, the person is affirming and embracing both the masculine and feminine aspects of the self. Judges at this stage are whole persons. They approach their cases with “disciplined subjectivity” (Belenky et al., 1986), a process of examining issues that allows their humanness to respond to the equally human problems and pain before them, and also engages the analytical and detached aspects of themselves to see the issues through the lens of the principles of law.

Integrated Thinking stands in contrast to Dualistic Thinking. Whereas Dualistic Thinkers do not, because they cannot, think about their thinking, Integrated Thinkers have a keen awareness of their thought process. They are also aware of their own systems of thought. They would be able to understand and reflect upon the idea that capitalism and socialism, for example, are not simply two different approaches to the economy and market forces. They would realize that they are also systems of thought, each with its own particular assumptions which influence how data are interpreted and how decisions are made. They would also be able to see that Separate Knowing and Connected Knowing are themselves systems of thought and that each has its own implications for how one arrives at truth.

Integrated Thinkers realize that all knowing is contextual. That is, *they realize that how they understand a situation is influenced not only by the circumstances before them but also by their own way of constructing and understanding those circumstances.* For example, we talked to a judge who is female and black, who said, “Every time I go to the bench I go as a black woman from the rural south. I take with me all of the experiences that go along with that, and every ruling I make is shaped by who I am.”

In contrast, many judges we have talked to would probably be surprised at their fellow jurist’s statement. They would claim they are fully objective in their work. In our view, however, they too approach their decisions heavily influenced by their race and gender or even class—but they don’t think about it or the implications of that omission. The black judge, in being honest with herself and others about her subjectivity, is able to be open with her feelings and *hold them accountable*. It is only when judges can take that step that they are able to operate with genuine fairness.

Dualistic Thinkers would not value the thinking process one goes through to reach a conclusion. Integrated Thinkers, on the other hand, would be very respectful of that, so much so that, while they might not agree with the conclusion someone reached, they would still respect the process.

At the same time an Integrated Thinker might well make the same decision as a Dualistic Thinker. For example, in “A Jury of Her Peers,” the short story mentioned earlier, a woman is accused of murdering her husband. While the women in the story are extremely sympathetic to the accused, their husbands clearly miss what really went on in the house and immediately set out to find evidence to convict her. An Integrated Thinker might vote to convict the accused, the same way the men in the story would. But he or she would do it only after looking at the information the women uncovered as well as the evidence the men found. The difference is the avenue—or avenues—one chooses to arrive at truth.

#### Integrated Thinking and the Court System.

A case from Cook County, Illinois, received national publicity a few years ago. Rudolfo Linares, the father of a brain-damaged, comatose, 15-month-old son, held hospital workers at gun point and disconnected his son from a respirator.



After the grand jury voted against a murder indictment, the Cook County State's Attorney said, "It was a unique and frustrating case. Mr. Linares' actions in removing his son from a respirator were simultaneously inappropriate under the law and understandable from the purview and perspective of a parent."

Both sides were right. The law has to take that fact into account and yet still reach a decision. Research on developmental stages indicates that it is only at the higher stages of development, at the stage of Integrated Thinking, that a person can deal with this paradox of opposites.

The most difficult task judges face is not in deciding cases where there is solid and clear evidence on one side or the other. The frustrating ones are those in which the arguments on each side of the issue are compelling. The tension between the two perspectives pushes judges to a higher level of thinking such that they can see the entire process. In the words of a Jewish saying, when two principles are in conflict, one looks for a higher *mitzvah* or law.

Judges in the court system of today and the next century need to be Integrated Thinkers, and thus the purpose of judicial education should be to foster development towards that end. What would highly developed judges, persons at the Integrated Thinking stage, be like? We believe they would have six major characteristics.

1. **Highly developed judges can think in complex ways.** They are able to understand the multilayered nature of cases that come before them. They have the ability to engage in the judicial decision-making process, mindful not only of the legal principles involved, but also the particular circumstances of the persons and issues before them. They can be both "tough minded and warm hearted." They are able to empathize with persons before the bench while at the same time applying the principles of law and precedent.
2. **Highly developed judges possess a high level of competence.** They are highly skilled in the meeting the responsibilities of the judgeship. They have the capacity to remain open-minded and withhold final judgment until all the relevant information is in. At the same time, they can be decisive and firm. They engage continuously in reflection and

self-assessment. They are able to explain both orally and in writing the legal reasoning they used in reaching a decision.

Further, they manage their workload efficiently, handle caseloads well, and are able to keep a reasonable perspective on their court and their role in it. They are respected by their peers and their constituents.

3. **Highly developed judges accept responsibility for themselves and are willing to deal with the consequences of their behavior.** They are aware that there is more than one side to a story (maybe several sides), that all the information is never in, and that, in spite of that, they still have to make a responsible decision. They understand that, just as they are at some point in their own evolution through stages of thinking, so, too, are the persons in their court room. Because they realize that in all persons there is at least a spark of potential for growth, they take seriously the teaching role of the courts. They are conscientious about carrying out their work in ways that make sense to the other participants and resonate, at least in some fashion, with how they view the world.
4. **Highly developed judges believe that their understanding of their own experience is the best guide for their actions.** They are aware of legal principles and of the fruits of their legal training. They also know, however, that their approach to judging is shaped by their own cast of mind and their particular way of interpreting their personal and professional experience. They are able to integrate what they have learned in the courtroom with what they have learned from their life experiences, both good and bad—both difficult and pleasurable. They possess self-confidence and a sense of competence, both tempered by humility.
5. **Highly developed judges are consistently and tenaciously authentic.** They are at ease with themselves and are able to be open and empathic with others. They can take the perspective of the different players in the judicial process including the litigants and the attorneys who appear before them as well as others. At the same time, they have the ability to honor the traditions and fundamental fairness which are the goals of our legal system.



6. **Highly developed judges have a commitment to goals which transcend their own immediate needs and situations.** They are aware of the formative role that the courts play in our society. They are generative in nature, demonstrated by their commitment to public service (both in and out of the courtroom) and by the priority they place on responsible caring for others. They are sensitive to issues of gender and race and are interested in providing leadership to help others fulfill their own potential.

### Summary

1. Developmental stages describe different ways that people have of constructing or making meaning of the world.
2. As we move through our lives, we experience qualitatively different and more adequate structures of thought.
3. This process of development is ongoing, and thus there is no such thing as being “all grown up.”
4. Research on developmental stages demonstrates that persons concerned about good judicial education need to be insightful not only about what their learners know but *how* they know.
5. Dualistic Thinking is not an appropriate stage for adults since it cannot deal with the complexities of adult life. Persons at this stage often do not see issues in their larger context, are categorical in their views, and have a tendency to think in simplistic and stereotypical ways.
6. Judges who are at the Contextual Thinking stage understand that facts are not simply discrete pieces of information but have to be seen in their larger context.
7. The shortcomings of much of Contextual Thinking in the legal system today is that it is so oriented to Separate Knowing that it is not enhanced by the richness of Connected Knowing.

8. Judges who are at the Integrated Thinking stage are able to embrace both Separate Knowing and Connected Knowing. As both Separate Knowing's orientation to knowing through detachment and Connected Knowing's orientation to knowing through connection are honored, the court system is better able to provide justice.
9. Judges who are highly developed are Integrated Thinkers and tend to have the following characteristics:
  - (a) They are able to think in complex ways.
  - (b) They possess a high level of competence.
  - (c) They accept responsibility for themselves and are willing to deal with the consequences of their behavior.
  - (d) They believe that understanding of their own experience is the best guide for their actions.
  - (e) They are consistently and tenaciously authentic.
  - (f) They have a commitment to goals which transcend their own immediate needs and situations.
10. The purpose of judicial education should be to foster the development of learners.

## CHAPTER V

### Implementation

How would a judicial education program initiate the move to *education for development*?

In answering this question it is important to bear in mind that *education for development* is a central component within the larger development of the judicial education unit and the court system of which it is a part. Leaders can use this concept to enhance the administration of their programs and court system so that they are better able to meet the complex challenges facing the nation's judiciary. They do this by creating an institutional culture which fosters the on-going development and growth of the people within the organization.

There is no one way, of course, to go about helping people understand *education for development*. Judges, court administrators, judicial educators, and other key players have to start with their own particular judicial education program and wrestle with the specific problems and obstacles that exist in their organization.

However, there are three suggestions readers may wish to consider.

1. **Help key leaders see the connections between their own evolution as persons and what the research on adult development can teach us about continuing professional education.**

Persons at all levels in the organization need at least a rudimentary understanding of *education for development*. This includes the chief justice, the judges who serve on judicial education planning committees, the judicial educator, the faculty, the court administrator, and others who are involved in the policy, resource allocation, and administrative aspects of the program.

The whole notion of development as a guiding purpose seems to come through most clearly with people when they can see it in their own lives. An exercise we frequently use in judicial education faculty development programs is one in which we ask participants to look back and identify a time, perhaps early in their careers, when they thought in fairly simplistic ways. They then compare that way of thinking to the way in which they see the



world today, a task which clearly shows that they have developed more complex structures of thought.

We have the participants work in small groups to share the highlights of this reflection. This is followed by a full group discussion. This exercise makes clear to them the power and importance of designing curriculum and teaching that is intentionally designed to help people move to more complex ways of thinking. We then move to concrete applications of this idea, and we suggest that the Learning Circle is one practical guide to that end.

## **2. Assist faculty in recognizing and responding to diverse learning styles.**

An important shift occurs for many people when it hits them that “everybody doesn’t learn the same way I do.” As our earlier discussion of learning styles demonstrates, there are indeed different ways of taking in and processing information, and there is a need for all of them to be honored in judicial education settings. Additionally, an important developmental shift occurs when people realize “Everybody doesn’t think the way I do,” and that different approaches may be valid.

An exercise we use in making this point is to have our workshop participants take the Kolb Learning Style Inventory. After helping them score it and find their style according to the inventory, we provide details on the characteristics of each learning style. We then ask the participants to compare what the inventory says is their style to their subjective view concerning how they prefer to learn.

Since the Kolb inventory identifies four different styles, we ask people to physically arrange themselves into the four groups. There is something about the actual division into the four styles that makes the point, often very dramatically, that people—including those of us in the room—learn differently.

The very reasonable question then arises, “If I have these different styles in one seminar of judges, how can I teach in ways that take that fact into account? If I orient my course to one or two styles, doesn’t this simply make the session more difficult for others?”

Our suggestion is to use the Learning Circle as a guide, along the lines discussed earlier. We make the point that in so doing we are playing to the strengths of persons of each style at one time or another in the course. We also point out that through this systematic



match, we are *affirming the strengths each person* brings by providing learning activities consistent with that style. At the same time, through the systematic mismatch, we are *providing learners an opportunity to “stretch”* and to develop further their skills in their less preferred or familiar ways of learning.

We point out that by using the Learning Circle as a guide, we are deepening the tension between opposites, which, as we have said earlier, is fundamental to the growth process. This happens as we ask learners to integrate their Direct Experience with Abstractions and Principles, on the one hand, and to integrate their Reflections and Action, on the other.

We also explain Connected and Separate Knowing and point out the importance of honoring both. We describe the analogue between the frameworks of Connected-Separate Knowing and Direct Experience-Abstractions and explain that by teaching in ways that engage learners around the Circle, we are recognizing and responding to these two alternative ways of knowing.

Finally, we provide training in the use of different teaching methods and course planning. Faculty are assisted in enhancing their skills as lecturers, as group discussion leaders, and as curriculum designers. The selection and use of methods now occurs in a richer context, since they are chosen in light of the conceptual base which underlies the Learning Circle.

### **3. Establish a team of leaders to carry forward the idea of *education for development*.**

Enhancing a judicial education program along the lines we have sketched in this monograph cannot be done in isolation. It has implications for policy, for the selection and training of faculty, and for improved curriculum development, as well as the need to build greater collaboration and community within the work setting. Thus, there is a need to bring together the persons who have the major responsibility for judicial education and the larger court system.

Since *education for development* is so different from traditional educational practices, activities must be provided so that these people can “dig deep” into their own experience and into their own beliefs about the role of the judiciary in the society. In effect, a significant

bonding experience needs to occur such that they develop a sense of shared values and a shared vision about judicial education.

The work of Stephen Covey, in the book *Seven Habits of Highly Effective People* (1989), offers some helpful suggestions in this regard. A process that Covey recommends is to have each person develop what he calls a personal “mission statement.” Here people list each of their roles (judge, citizen, spouse, parent, homeowner, etc.) and then describe how they would like to be thought of in each of these roles. The final step is to create a statement, typically no more than a page in length, in which the participants relate what they take to be their mission or their purpose in life.

People are generally open and quite serious about their mission statements. We have found that even though some of the statements the participants list are very personal, the content from different people is remarkably similar. It illustrates that if we can go deeper into ourselves and think seriously and reverently about what we are doing in our lives and in our work, we find much more common ground than differences.

Covey says that the next step is for a group to use the individual mission statements as a springboard for developing an organizational mission statement. By doing this, and by regularly reviewing what they have written up, group members can keep themselves and their team on track. It is a constant reminder and check as to whether the activities they are involved in are consistent with what they say they are committed to.

This raises an important point about the climate that is created in judicial education programs for development. Since we are advocating a *transformational* rather than a merely *informational* program, it is essential that this team of leaders approach the challenge with a concern for the vulnerability of the learners and a respect for the risks involved in learning for development. They must remember that human development and learning are at the core of our being as humans, and that they are extremely complex phenomena. No one theory or approach is adequate to explain them. What is called for, we believe, is an ethic of responsibility and a culture of care that will result in a true community in the judiciary where learners support and contribute to each other’s continuing development.



The complexity of the ideas on *education for development* presented here may be daunting to some. But there is also a simplicity about them because the movement through the various stages of development depicted by theory is so congruent with the life experiences of each of us. Many people, when learning about developmental stages, react by saying, "That's right. That is the way we develop." And then, some add: "That's the way life is."

A statement by Justice Brandeis comes to mind: "For the simplicity on this side of complexity I would not give a fig. But for the simplicity on the other side of complexity I would give all that I own."

His remark reminds us that there are no quick and easy answers to the challenges faced by the courts and by judicial education. We cannot build effective educational programs on the simplistic base of technique and the quick fix. Rather, we must create judicial education programs that are at the level of insight required by the complexity of the problems faced by the court system. We believe that while much of *education for development* in the judiciary is at the exploratory stage, it holds extraordinary promise for the future.

The good news is that the conceptual knowledge needed for the task, as demonstrated by the foregoing discussion, is in hand. Further, there are many judicial education programs that are already using many of the approaches described here. The issue is to create a critical mass of persons holding shared values and a common vision who can link with each other in this work. We thereby know that we are performing a function that makes a difference in the lives of those who participate in judicial education programs and, ultimately, the people who are served by the judiciary.

Judicial education programs that are designed and implemented with development as the desired outcome can make a significant contribution to the court system. It will then be better equipped to carry out its role as a major formative institution in our society.





## APPENDIX A

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## APPENDIX B

### Jury of Her Peers

by

Susan Glaspell

When Martha Hale opened the storm-door and got a cut of the north wind, she ran back for her big woolen scarf. As she hurriedly wound that round her head her eye made a scandalized sweep of her kitchen. It was no ordinary thing that called her away—it was probably further from ordinary than anything that had ever happened in Dickson County. But what her eye took in was that her kitchen was in no shape for leaving: her bread all ready for mixing, half the flour sifted and half unsifted.

She hated to see things half done; but she had been at that when the team from town stopped to get Mr. Hale, and then the sheriff came running in to say his wife wished Mrs. Hale would come too—adding, with a grin, that he guessed she was getting scary and wanted another woman along. So she had dropped everything right where it was.

“Martha!” now came her husband’s impatient voice. “Don’t keep folks waiting out here in the cold.”

She again opened the storm-door, and this time joined the three men and the one woman waiting for her in the big two-seated buggy.

After she had the robes tucked around her she took another look at the woman who sat beside her on the back seat. She had met Mrs. Peters the year before at the county fair, and the thing she remembered about her was that she didn’t seem like a sheriff’s wife. She was small and thin and didn’t have a strong voice. Mrs. Gorman, the sheriff’s wife before Gorman went out and Peters came in, had a voice that somehow seemed to be backing up the law with every word. But if Mrs. Peters didn’t look like a sheriff’s wife, Peters made it up in looking like a sheriff. He was to a dot the kind of man who could get himself elected sheriff—a heavy man with a big voice, who was particularly genial with the law-abiding, as if to make it plain that he knew the difference between criminals and non-criminals. And right there it came into Mrs. Hale’s mind, with a stab, that this man who was so pleasant and lively with all of them was going to the Wrights’ now as a sheriff.

“The country’s not very pleasant this time of year,” Mrs. Peters at last ventured, as if she felt they ought to be talking as well as the men.

Mrs. Hale scarcely finished her reply, for they had gone up a little hill and could see the Wright place now, and seeing it did not make her feel like talking. It looked very

lonesome this cold March morning. It had always been a lonesome looking place. It was down in a hollow, and the poplar trees around it were lonesome looking trees. The men were looking at it and talking about what had happened. The county attorney was bending to one side of the buggy, and kept looking steadily at the place as they drew up to it.

"I'm glad you came with me," Mrs. Peters said nervously, as the two women were about to follow the men in through the kitchen door.

Even after she had her foot on the door-step, her hand on the knob, Martha Hale had a moment of feeling she could not cross that threshold. And the reason it seemed she couldn't cross it now was simply because she hadn't crossed it before. Time and time again it had been in her mind, "I ought to go over and see Minnie Foster"—she still thought of her as Minnie Foster, though for twenty years she had been Mrs. Wright. And then there was always something to do and Minnie Foster would go from her mind. But *now* she could come.

The men went over to the stove. The women stood close together by the door. Young Henderson, the county attorney, turned around and said, "Come up to the fire, ladies."

Mrs. Peters took a step forward, then stopped. "I'm not—cold," she said.

And so the two women stood by the door, at first not even so much as looking around the kitchen.

The men talked for a minute about what a good thing it was the sheriff had sent his deputy out that morning to make a fire for them, and then Sheriff Peters stepped back from the stove, unbuttoned his outer coat, and leaned his hands on the kitchen table in a way that seemed to mark the beginning of official business. "Now, Mr. Hale," he said in a sort of semi-official voice, "before we move things about, you tell Mr. Henderson just what it was you saw when you came here yesterday morning."

The county attorney was looking around the kitchen.

"By the way," he said, "has anything been moved?" He turned to the sheriff. "Are things just as you left them yesterday?"

Peters looked from cupboard to sink; from that to a small worn rocker a little to one side of the kitchen table.

"It's just the same."

"Somebody should have been left here yesterday," said the county attorney.

"Oh—yesterday," returned the sheriff, with a little gesture as of yesterday having been more than he could bear to think of. "When I had to send Frank to Morris Center for that man who went crazy—let me tell you, I had my hands full yesterday. I knew you could get back from Omaha by today, George, and as long as I went over everything here myself—"



“Well, Mr. Hale,” said the county attorney, in a way of letting what was past and gone go, “tell just what happened when you came here yesterday morning.”

Mrs. Hale, still leaning against the door, had that sinking feeling of the mother whose child is about to speak a piece. Lewis often wandered along and got things mixed up in a story. She hoped he would tell this straight and plain, and not say unnecessary things that would just make things harder for Minnie Foster. He didn’t begin at once, and she noticed that he looked queer—as if standing in that kitchen and having to tell what he had seen there yesterday morning made him almost sick.

“Yes, Mr. Hale?” the county attorney reminded.

“Harry and I had started to town with a load of potatoes,” Mrs. Hale’s husband began.

Harry was Mrs. Hale’s oldest boy. He wasn’t with them now, for the very good reason that those potatoes never got to town yesterday and he was taking them this morning, so he hadn’t been home when the sheriff stopped to say he wanted Mr. Hale to come over to the Wright place and tell the county attorney his story there, where he could point it all out. With all Mrs. Hale’s other emotions came the fear now that maybe Harry wasn’t dressed warm enough—they hadn’t any of them realized how that north wind did bite.

“We come along this road,” Hale was going on, with a motion of his hand to the road over which they had just come, “and as we got in sight of the house I says to Harry, ‘I’m goin’ to see if I can’t get John Wright to take a telephone.’ You see,” he explained to Henderson, “unless I can get somebody to go in with me they won’t come out this branch road except for a price I can’t pay. I’d spoke to Wright about it once before; but he put me off, saying folks talked too much anyway, and all he asked was peace and quiet—guess you know about how much he talked himself. But I thought maybe if I went to the house and talked about it before his wife, and said all the women-folks liked the telephones, and that in this lonesome stretch of road it would be a good thing—well, I said to Harry that that was what I was going to say—though I said at the same time that I didn’t know as what his wife wanted made much difference to John—”

Now there he was!—saying things he didn’t need to say. Mrs. Hale tried to catch her husband’s eye, but fortunately the county attorney interrupted with:

“Let’s talk about that a little later, Mr. Hale. I do want to talk about that, but I’m anxious now to get along to just what happened when you got here.”

When he began this time, it was very deliberately and carefully:

“I didn’t see or hear anything. I knocked at the door. And still it was all quiet inside. I knew they must be up—it was past eight o’clock. So I knocked again, louder, and I thought I heard somebody say, ‘Come in.’ I wasn’t sure—I’m not sure yet. But I opened the door—

this door,” jerking a hand toward the door by which the two women stood, “and there, in that rocker”—pointing to it—“sat Mrs. Wright.”

Everyone in the kitchen looked at the rocker. It came into Mrs. Hale’s mind that that rocker didn’t look in the least like Minnie Foster—the Minnie Foster of twenty years before. It was a dingy red, with wooden rungs up the back, and the middle rung was gone, and the chair sagged to one side.

“How did she—look?” the county attorney was inquiring.

“Well,” said Hale, “she looked—queer.”

“How do you mean—queer?”

As he asked it he took out a note-book and pencil. Mrs. Hale did not like the sight of that pencil. She kept her eye fixed on her husband, as if to keep him from saying unnecessary things that would go into that note-book and make trouble.

Hale did speak guardedly, as if the pencil had affected him too.

“Well, as if she didn’t know what she was going to do next. And kind of—done up.”

“How did she seem to feel about your coming?”

“Why, I don’t think she minded—one way or other. She didn’t pay much attention. I said, ‘Ho’ do, Mrs. Wright? It’s cold, ain’t it?’ And she said, ‘Is it?’—and went on pleatin’ at her apron.

“Well, I was surprised. She didn’t ask me to come up to the stove, or to sit down, but just set there, not even lookin’ at me. And so I said: ‘I want to see John.’

“And then she—laughed. I guess you would call it a laugh.

“I thought of Harry and the team outside, so I said, a little sharp, ‘Can I see John?’ ‘No,’ says she—kind of dull like. ‘Ain’t he home?’ says I. Then she looked at me. ‘Yes,’ says she, ‘he’s home.’ ‘Then why can’t I see him?’ I asked her, out of patience with her now. ‘Cause he’s dead,’ says she, just as quiet and dull—and fell to pleatin’ her apron. ‘Dead?’ says I like you do when you can’t take in what you’ve heard.

“She just nodded her head, not getting a bit excited, but rockin’ back and forth.

“‘Why—where is he?’ says I, not knowing *what* to say.

“She just pointed upstairs—like this”—pointing to the room above.

“I got up, with the idea of going up there myself. By this time I—didn’t know what to do. I walked from there to here; then I says” ‘Why, what did he die of?’

“‘He died of a rope around his neck,’ says she; and just went on pleatin’ at her apron.”

Hale stopped speaking, and stood staring at the rocker, as if he were still seeing the woman who had sat there the morning before. Nobody spoke; it was as if everyone were seeing the woman who had sat there the morning before.



"And what did you do then?" the county attorney at last broke the silence.

"I went out and called Harry. I thought I might—need help. I got Harry in, and we went upstairs." His voice fell almost to a whisper. "There he was—lying over the—"

"I think I'd rather have you go into that upstairs," the county attorney interrupted, "where you can point it all out. Just go on now with the rest of the story."

"Well, my first thought was to get that rope off. It looked—"

He stopped, his face twitching.

"But Harry, he went up to him, and he said, 'No, he's dead all right, and we'd better not touch anything.' So we went downstairs.

"She was still sitting that same way. 'Has anybody been notified?' I asked. 'No,' says she, unconcerned.

"Who did this, Mrs. Wright?" said Harry. He said it businesslike, and she stopped pleatin' at her apron. 'I don't know,' she says. 'You don't *know*?' says Harry. 'Weren't you sleepin' in the bed with him?' 'Yes,' says she, 'but I was on the inside.' 'Somebody slipped a rope round his neck and strangled him, and, you didn't wake up?' says Harry. 'I didn't wake up,' she said after him.

"We may have looked as if we didn't see how that could be, for after a minute she said, 'I sleep sound.'

"Harry was going to ask her more questions, but I said maybe that weren't our business; maybe we ought to let her tell her story first to the coroner or the sheriff. So Harry went fast as he could over to High Road—the Rivers' place, where there's a telephone."

"And what did she do when she knew you had gone for the coroner?" The attorney got his pencil in his hand all ready for writing.

"She moved from that chair to this one over here"—Hale pointed to a small chair in the corner—"and just sat there with her hands held together and looking down. I got a feeling that I ought to make some conversation, so I said I had come in to see if John wanted to put in a telephone; and at that she started to laugh, and then she stopped and looked at me—scared."

At sound of a moving pencil the man who was telling the story looked up.

"I dunno—maybe it wasn't scared," he hastened; "I wouldn't like to say it was. Soon Harry got back, and then Dr. Lloyd came, and you, Mr. Peters, and so I guess that's all I know that you don't."

He said that last with relief, and moved a little, as if relaxing. Everyone moved a little. The county attorney walked toward the stair door.

"I guess we'll go upstairs first—then out to the barn and around there."

He paused and looked around the kitchen.

"You're convinced there was nothing important here?" he asked the sheriff.

"Nothing that would—point to any motive?"

The sheriff too looked all around, as if to re-convince himself.

"Nothing here but kitchen things," he said, with a little laugh for the insignificance of kitchen things.

The county attorney was looking at the cupboard—a peculiar, ungainly structure, half closet and half cupboard, the upper part of it being built in the wall, and the lower part just the old-fashioned kitchen cupboard. As if its queerness attracted him, he got a chair and opened the upper part and looked in. After a moment he drew his hand away sticky.

"Here's a nice mess," he said resentfully.

The two women had drawn nearer, and now the sheriff's wife spoke.

"Oh—her fruit," she said, looking to Mrs. Hale for sympathetic understanding. She turned back to the county attorney and explained: "She worried about that when it turned so cold last night. She said the fire would go out and her jars might burst."

Mrs. Peters' husband broke into a laugh.

"Well, can you beat the women! Held for murder, and worrying about her preserves!"

The young attorney set his lips.

"I guess before we're through with her she may have something more serious than preserves to worry about."

"Oh, well," said Mrs. Hale's husband, with good-natured superiority, "women are used to worrying over trifles."

The two women moved a little closer together. Neither of them spoke. The county attorney seemed suddenly to remember his manners—and think of his future.

"And yet," said he, with the gallantry of a young politician, "for all their worries, what would we do without the ladies?"

The women did not speak, did not unbend. He went to the sink and began washing his hands. He turned to wipe them on the roller towel—whirled it for a cleaner place.

"Dirty towels! Not much of a housekeeper, would you say, ladies?"

He kicked his foot against some dirty pans under the sink.

"There's a great deal of work to be done on a farm," said Mrs. Hale stiffly.

"To be sure. And yet"—with a little bow to her—"I know there are some Dickson County farm-houses that do not have such roller towels." He gave it a pull to expose its full length again.

"Those towels get dirty awful quick. Men's hands aren't always as clean as they might be."



"Ah, loyal to your sex, I see," he laughed. He stopped and gave her a keen look. "But you and Mrs. Wright were neighbors. I suppose you were friends, too."

Martha Hale shook her head.

"I've seen little enough of her of late years. I've not been in this house—it's more than a year."

"And why was that? You didn't like her?"

"I liked her well enough," she replied with spirit. "Farmers' wives have their hands full, Mr. Henderson. And then—" She looked around the kitchen.

"Yes?" he encouraged.

"It never seemed a very cheerful place," said she, more to herself than to him.

"No," he agreed; "I don't think anyone would call it cheerful. I shouldn't say she had the home-making instinct."

"Well, I don't know as Wright had, either," she muttered.

"You mean they didn't get on very well?" he was quick to ask.

"No, I don't mean anything," she answered, with decision. As she turned a little away from him, she added: "But I don't think a place would be any the cheerfuler for John Wright's bein' in it."

"I'd like to talk to you about that a little later, Mrs. Hale," he said. "I'm anxious to get the lay of things upstairs now."

He moved toward the stair door, followed by the two men.

"I suppose anything Mrs. Peters does'll be all right?" the sheriff inquired. "She was to take in some clothes for her, you know—and a few little things. We left in such a hurry yesterday."

The county attorney looked at the two women whom they were leaving alone there among the kitchen things.

"Yes—Mrs. Peters," he said, his glance resting on the woman who was not Mrs. Peters, the big farmer woman who stood behind the sheriff's wife. "Of course Mrs. Peters is one of us," he said, in a manner of entrusting responsibility. "And keep your eye out, Mrs. Peters, for anything that might be of use. No telling; you women might come upon a clue to the motive—and that's the thing we need."

Mr. Hale rubbed his face after the fashion of a showman getting ready for a pleasantry.

"But would the women know a clue if they did come upon it?" he said; and, having delivered himself of this, he followed the others through the stair door.

The women stood motionless and silent, listening to the footsteps, first upon the stairs, then in the room above them.

Then, as if releasing herself from something strange. Mrs. Hale began to arrange the dirty pans under the sink, which the county attorney's disdainful push of the foot had deranged.

"I'd hate to have men comin' into my kitchen," she said testily—"snoopin' round and criticizin'."

"Of course it's no more than their duty," said the sheriff's wife, in her manner of timid acquiescence.

"Duty's all right," replied Mrs. Hale bluffly; "but I guess that deputy sheriff that come out to make the fire might have got a little of this on." She gave the roller towel a pull. "Wish I'd thought of that sooner! Seems mean to talk about her for not having things slicked up, when she had to come away in such a hurry."

She looked around the kitchen. Certainly it was not "slicked up." Her eye was held by a bucket of sugar on a low shelf. The cover was off the wooden bucket, and beside it was a paper bag—half full.

Mrs. Hale moved toward it.

"She was putting this in there," she said to herself—slowly.

She thought of the flour in her kitchen at home—half sifted, half not sifted. She had been interrupted, and had left things half done. What had interrupted Minnie Foster? Why had that work been left half done? She made a move as if to finish it,—unfinished things always bothered her,—and then she glanced around and saw that Mrs. Peters was watching her—and she didn't want Mrs. Peters to get that feeling she had got of work begun and then—for some reason—not finished.

"It's a shame about her fruit," she said, and walked toward the cupboard that the county attorney had opened, and got on the chair, murmuring: "I wonder if it's all gone."

It was a sorry enough looking sight, but "Here's one that's all right," she said at last. She held it toward the light. "This is cherries, too." She looked again. "I declare I believe that's the only one."

With a sigh, she got down from the chair, went to the sink, and wiped off the bottle.

"She'll feel awful bad, after all her hard work in the hot weather. I remember the afternoon I put up my cherries last summer."

She set the bottle on the table, and, with another sigh, started to sit down in the rocker. But she did not sit down. Something kept her from sitting down in that chair. She straightened—stepped back, and, half turned away, stood looking at it, seeing the woman who had sat there "pleatin' at her apron."



The thin voice of the sheriff's wife broke in upon her: "I must be getting those things from the front-room closet." She opened the door into the other room, started in, stepped back. "You coming with me, Mrs. Hale?" she asked nervously. "You—you could help me get them."

They were soon back—the stark coldness of that shut up room was not a thing to linger in.

"My!" said Mrs. Peters, dropping the things on the table and hurrying to the stove.

Mrs. Hale stood examining the clothes the woman who was being detained in town had said she wanted.

"Wright was close!" she exclaimed, holding up a shabby black skirt that bore the marks of much making over. "I think maybe that's why she kept so much to herself. I s'pose she felt she couldn't do her part; and then, you don't enjoy things when you feel shabby. She used to wear pretty clothes and be lively—when she was Minnie Foster, one of the town girls, singing in the choir. But that—oh, that was twenty years ago."

With a carefulness in which there was something tender, she folded the shabby clothes and piled them at one corner of the table. She looked up at Mrs. Peters, and there was something in the other woman's look that irritated her.

"She don't care," she said to herself. "Much difference it makes to her whether Minnie Foster had pretty clothes when she was a girl."

Then she looked again, and she wasn't so sure; in fact, she hadn't at any time been perfectly sure about Mrs. Peters. She had that shrinking manner, and yet her eyes looked as if they could see a long way into things.

"This all you was to take in?" asked Mrs. Hale.

"No," said the sheriff's wife; "she said she wanted an apron. Funny thing to want," she ventured in her nervous little way, "for there's not much to get you dirty in jail, goodness knows. But I suppose just to make her feel more natural. If you're used to wearing an apron—. She said they were in the bottom drawer of this cupboard. Yes—here they are. And then her little shawl that always hung on the stair door."

She took the small gray shawl from behind the door leading upstairs, and stood a minute looking at it.

Suddenly Mrs. Hale took a quick step toward the other woman.

"Mrs. Peters!"

"Yes, Mrs. Hale?"

"Do you think she—did it?"

A frightened look blurred the other thing in Mrs. Peters' eyes.

"Oh, I don't know," she said, in a voice that seemed to shrink away from the subject.

"Well, I don't think she did," affirmed Mrs. Hale stoutly. "Asking for an apron, and her little shawl. Worryin' about her fruit."

"Mr. Peters says—." Footsteps were heard in the room above; she stopped, looked up, then went on in a lowered voice: "Mr. Peters says—it looks bad for her. Mr. Henderson is awful sarcastic in a speech, and he's going to make fun of her saying she didn't—wake up."

For a moment Mrs. Hale had no answer. Then, "Well, I guess John Wright didn't wake up—when they was slippin' that rope under his neck," she muttered.

"No, it's *strange*," breathed Mrs. Peters. "They think it was such a—funny way to kill a man."

She began to laugh; at sound of the laugh, abruptly stopped.

"That's just what Mr. Hale said," said Mrs. Hale, in a resolutely natural voice. "There was a gun in the house. He says that's what he can't understand."

"Mr. Henderson said, coming out, that what was needed for the case was a motive. Something to show anger—or sudden feeling."

"Well, I don't see any signs of anger around here," said Mrs. Hale. "I don't—"

She stopped. It was as if her mind tripped on something. Her eye was caught by a dish-towel in the middle of the kitchen table. Slowly she moved toward the table. One half of it was wiped clean, the other half messy. Her eyes made a slow, almost unwilling turn to the bucket of sugar and the half empty bag beside it. Things begun—and not finished.

After a moment she stepped back, and said, in that manner of releasing herself:

"Wonder how they're finding things upstairs? I hope she had it a little more red up up there. You know,"—she paused, and feeling gathered,—“it seems kind of *sneaking*: locking her up in town and coming out here to get her own house to turn against her!"

"But, Mrs. Hale," said the sheriff's wife, "the law is the law."

"I s'pose 'tis," answered Mrs. Hale shortly.

She turned to the stove, saying something about that fire not being much to brag of. She worked with it a minute, and when she straightened up she said aggressively:

"The law is the law—and a bad stove is a bad stove. How'd you like to cook on this?—pointing with the poker to the broken lining. She opened the oven door and started to express her opinion of the oven; but she was swept into her own thoughts, thinking of what it would mean, year after year, to have that stove to wrestle with. The thought of Minnie Foster trying to bake in that oven—and the thought of her never going over to see Minnie Foster—.

She was startled by hearing Mrs. Peters say: "A person gets discouraged—and loses heart."



The sheriff's wife had looked from the stove to the sink—to the pail of water which had been carried in from outside. The two women stood there silent, above them the footsteps of the men who were looking for evidence against the woman who had worked in that kitchen. That look of seeing into things, of seeing through a thing to something else, was in the eyes of the sheriff's wife now. When Mrs. Hale next spoke to her, it was gently:

"Better loosen up your things, Mrs. Peters. We'll not feel them when we go out."

Mrs. Peters went to the back of the room to hang up the fur tippet she was wearing. A moment she exclaimed, "Why, she was piecing a quilt," and held up a large sewing basket piled high with quilt pieces.

Mrs. Hale spread some of the blocks on the table.

"It's a log-cabin pattern," she said, putting several of them together. "Pretty, isn't it?"

They were so engaged with the quilt that they did not hear the footsteps on the stairs. Just as the stair door opened Mrs. Hale was saying:

"Do you suppose she was going to quilt it or just knot it?"

There was a laugh for the ways of women, a warming of hands over the stove, and then the county attorney said briskly:

"Well, let's go right out to the barn and get that cleared up."

"I don't see as there's anything so strange," Mrs. Hale said resentfully, after the outside door had closed on the three men—"our taking up our time with little things while we're waiting for them to get the evidence. I don't see as it's anything to laugh about."

"Of course they've got awful important things on their minds," said the sheriff's wife apologetically.

They returned to an inspection of the block for the quilt. Mrs. Hale was looking at the fine, even sewing, and preoccupied with thoughts of the woman who had done that sewing, when she heard the sheriff's wife say, in a queer tone:

"Why, look at this one."

She turned to take the block held out to her.

"The sewing," said Mrs. Peters, in a troubled way. "All the rest of them have been so nice and even—but—this one. Why, it looks as if she didn't know what she was about!"

Their eyes met—something flashed to life, passed between them; then as if with an effort, they seemed to pull away from each other. A moment Mrs. Hale sat there, her hands folded over that sewing which was so unlike all the rest of the sewing. Then she had pulled a knot and drawn the threads.

"Oh, what are you doing, Mrs. Hale?" asked the sheriff's wife, startled.



"Just pulling out a stitch or two that's not sewed very good," said Mrs. Hale mildly.

"I don't think we ought to touch things," Mrs. Peters said, a little helplessly.

"I'll just finish up this end," answered Mrs. Hale, still in that mild, matter-of-fact fashion.

She threaded a needle and started to replace bad sewing with good. For a little while she sewed in silence. Then, in that thin, timid voice, she heard:

"Mrs. Hale!"

"Yes, Mrs. Peters?"

"What do you suppose she was so—nervous about?"

"Oh, I don't know," said Mrs. Hale, as if dismissing a thing not important enough to spend much time on. "I don't know as she was—nervous. I sew awful queer sometimes when I'm just tired."

She cut a thread, and out of the corner of her eye looked up at Mrs. Peters. The small, lean face of the sheriff's wife seemed to have tightened up. Her eyes had that look of peering into something. But next moment she moved, and said in her thin, indecisive way:

"Well, I must get those clothes wrapped. They may be through sooner than we think. I wonder where I find a piece of paper—and string."

"In that cupboard, maybe," suggested Mrs. Hale, after a glance around.

One piece of the crazy sewing remained unripped. Mrs. Peters' back turned, Martha Hale now scrutinized that piece, compared it with the dainty, accurate sewing of the other blocks. The difference was startling. Holding this block made her feel queer, as if the distracted thoughts of the woman who had perhaps turned to it to try and quiet herself were communicating themselves to her.

Mrs. Peters' voice roused her.

"Here's a bird-cage," she said. "Did she have a bird, Mrs. Hale?"

"Why, I don't know whether she did or not." She turned to look at the cage Mrs. Peters was holding up. "I've not been here in so long." She sighed. "There was a man round last year selling canaries cheap—but I don't know as she took one. Maybe she did. She used to sing real pretty herself."

Mrs. Peters looked around the kitchen.

"Seems kind of funny to think of a bird here." She half laughed—an attempt to put up a barrier. "but she must have had one—or why would she have a cage? I wonder what happened to it."

"I suppose maybe the cat got it," suggested Mrs. Hale, resuming her sewing.

"No; she didn't have a cat. She's got that feeling some people have about cats—being afraid of them. When they brought her to our house yesterday, my cat got in the room, and she was real upset and asked me to take it out."

"My sister Bessie was like that," laughed Mrs. Hale.

The sheriff's wife did not reply. The silence made Mrs. Hale turn round. Mrs. Peters was examining the bird-cage.

"Look at this door," she said slowly. "It's broke. One hinge has been pulled apart." Mrs. Hale came nearer.

"Looks as if someone must have been—rough with it."

Again their eyes met—startled, questioning, apprehensive. For a moment neither spoke nor stirred. Then Mrs. Hale, turning away, said brusquely:

"If they're going to find any evidence, I wish they'd be about it. I don't like this place."

"But I'm awful glad you came with me, Mrs. Hale." Mrs. Peters put the bird-cage on the table and sat down. "It would be lonesome for me—sitting here alone."

"Yes, it would, wouldn't it?" agreed Mrs. Hale, a certain determined naturalness in her voice. She had picked up the sewing, but now it dropped in her lap, and she murmured in a different voice: "But I tell you what I *do wish*, Mrs. Peters. I wish I had come over sometimes when she was here. I wish—I had."

"But of course you were awful busy, Mrs. Hale. Your house—and your children."

"I could've come," retorted Mrs. Hale shortly. "I stayed away because it weren't cheerful—and that's why I ought to have come. I"—she looked around—"I've never liked this place. Maybe because it's down in a hollow and you don't see the road. Don't know what it is, but it's a lonesome place, and always was. I wish I had come over to see Minnie Foster sometimes. I can see now—" She did not put it into words.

"Well, you mustn't reproach yourself," counseled Mrs. Peters. "Somehow, we just don't see how it is with other folks till—something comes up."

"Not having children makes less work," mused Mrs. Hale, after a silence, "but it makes a quiet house—and Wright out to work all day—and no company when he did come in. Did you know John Wright, Mrs. Peters?"

"Not to know him. I've seen him in town. They say he was a good man."

"Yes—good," conceded John Wright's neighbor grimly. "He didn't drink, and kept his word as well as most, I guess, and paid his debts. But he was a hard man, Mrs. Peters. Just to pass the time of day with him—" She stopped, shivered a little. "Like a raw wind that gets to the bone." Her eye fell upon the cage on the table before her, and she added, almost bitterly: "I should think she would've wanted a bird!"



Suddenly she leaned forward, looking intently at the cage. "But what do you s'pose went wrong with it?"

"I don't know," returned Mrs. Peters; "Unless it got sick and died."

But after she said it she reached over and swung the broken door. Both women watched it as if somehow held by it.

"You didn't know—her?" Mrs. Hale asked, a gentler note in her voice.

"Not till they brought her yesterday," said the sheriff's wife.

"She—come to think of it, she was kind of like a bird herself. Real sweet and pretty, but kind of timid and—fluttery. How—she—did—change."

That held her for a long time. Finally, as if struck with a happy thought and relieved to get back to everyday things, she exclaimed:

"Tell you what, Mrs. Peters, why don't you take the quilt in with you? It might take up her mind."

"Why, I think that's a real nice idea, Mrs. Hale," agreed the sheriff's wife, as if she too were glad to come into the atmosphere of a simple kindness. "There couldn't possibly be any objection to that, could there? Now, just what will I take? I wonder if her patches are in here—and her things?"

They turned to the sewing basket.

"Here's some red," said Mrs. Hale, bringing out a roll of cloth. Underneath that was a box. "Here, maybe her scissors are in here—and her things." She held it up. "What a pretty box! I'll warrant that was something she had a long time ago—when she was a girl."

She held it in her hand a moment; then, with a little sigh, opened it.

Instantly her hand went to her nose.

"Why—!"

Mrs. Peters drew nearer—then turned away.

"There's something wrapped up in this piece of silk," faltered Mrs. Hale.

"This isn't her scissors," said Mrs. Peters, in a shrinking voice.

Her hand not steady, Mrs. Hale raised the piece of silk. "Oh, Mrs. Peters!" she cried. "It's—"

Mrs. Peters bent closer.

"It's the bird," she whispered.

"But, Mrs. Peters!" cried Mrs. Hale. "Look at it! Its *neck*—look at its neck! It's all—other side *to*."

She held the box away from her.

The sheriff's wife again bent closer.

"Somebody wrung its neck," said she, in a voice that was slow and deep.



And then again the eyes of the two women met—this time clung together in a look of dawning comprehension, of growing horror. Mrs. Peters looked from the dead bird to the broken door of the cage. Again their eyes met. And just then there was a sound at the outside door.

Mrs. Hale slipped the box under the quilt pieces in the basket, and sank into the chair before it. Mrs. Peters stood holding to the table. The county attorney and the sheriff came in from outside.

“Well, ladies,” said the county attorney, as one turning from serious things to little pleasantries, “have you decided whether she was going to quilt it or knot it?”

“We think,” began the sheriff’s wife in a flurried voice, “that she was going to—knot it.”

He was too preoccupied to notice the change that came in her voice on that last.

“Well, that’s very interesting, I’m sure,” he said tolerantly. He caught sight of the bird-cage. “Has the bird flown?”

“We think the cat got it,” said Mrs. Hale in a voice curiously even.

He was walking up and down, as if thinking something out.

“Is there a cat?” he asked absently.

Mrs. Hale shot a look up at the sheriff’s wife.

“Well, not *now*,” said Mrs. Peters. “They’re superstitious, you know; they leave.” She sank into her chair.

The county attorney did not heed her. “No sign at all of anyone having come in from the outside,” he said to Peters, in the manner of continuing an interrupted conversation. “Their own rope. Now let’s go upstairs again and go over it, piece by piece. It would have been someone who knew just the—.”

The stair door closed behind them and their voices were lost.

The two women sat motionless, not looking at each other, but as if peering into something and at the same time holding back. When they spoke now it was as if they were afraid of what they were saying, but as if they could not help saying it.

“She liked the bird,” said Martha Hale, low and slowly. “She was going to bury it in that pretty box.”

“When I was a girl,” said Mrs. Peters, under her breath, “my kitten—there was a boy took a hatchet, and before my eyes—before I could get there—” she covered her face an instant. “If they hadn’t held me back I would have”—she caught herself, looked upstairs where footsteps were heard, and finished weakly—“hurt him.”

Then they sat without speaking or moving.

"I wonder how it would seem," Mrs. Hale at last began, as if feeling her way over strange ground—"never to have had any children around?" Her eyes made a slow sweep of the kitchen, as if seeing what that kitchen had meant through all the years. "No, Wright wouldn't like the bird," she said after that—"a thing that sang. She used to sing. He killed that too." Her voice tightened.

Mrs. Peters moved uneasily.

"Of course we don't know who killed the bird."

"I knew John Wright," was Mrs. Hale's answer.

"It was an awful thing was done in this house that night, Mrs. Hale," said the sheriff's wife. "Killing a man while he slept—slipping a thing round his neck that choked the life out of him."

Mrs. Hale's hand went out to the bird cage.

"His neck. Choked the life out of him."

"We don't *know* who killed him," whispered Mrs. Peters wildly. "We don't *know*."

Mrs. Hale had not moved. "If there had been years and years of—nothing, then a bird to sing to you, it would be awful—still—after the bird was still."

It was as if something within her not herself had spoken, and it found in Mrs. Peters something she did not know as herself.

"I know what stillness is," she said, in a queer, monotonous voice. "When we homesteaded in Dakota, and my first baby died—after he was two years old—and me with no other then—."

Mrs. Hale stirred.

"How soon do you suppose they'll be through looking for the evidence?"

"I know what stillness is," repeated Mrs. Peters, in just that same way. Then she too pulled back. "The law has got to punish crime, Mrs. Hale," she said in her tight little way.

"I wish you'd seen Minnie Foster," was the answer, "when she wore a white dress with blue ribbons, and stood up there in the choir and sang."

The picture of that girl, the fact that she had lived neighbor to that girl for twenty years, and had let her die for lack of life, was suddenly more than she could bear.

"Oh, I *wish* I'd come over here once in a while!" she cried. "That was a crime! Who's going to punish that?"

"We mustn't take on," said Mrs. Peters, with a frightened look toward the stairs.

"I might 'a' *known* she needed help! I tell you, it's *queer*, Mrs. Peters. We all go through the same things—it's all just a different kind of the same thing! If it weren't—why do you and I *understand*? Why do we *know*—what we know this minute?"



She dashed her hand across her eyes. Then, seeing the jar of fruit on the table, she reached for it and choked out:

"If I was you I wouldn't *tell* her her fruit was gone! Tell her it *ain't*. Tell her it's all right—all of it. Here—take this in to prove it to her!—she may never know whether it was broke or not."

She turned away.

Mrs. Peters reached out for the bottle of fruit as if she were glad to take it—as if touching a familiar thing, having something to do, could keep her from something else. She got up, looked about for something to wrap the fruit in, took a petticoat from the pile of clothes she had brought from the front room, and nervously started winding that round the bottle.

"My!" she began, in a high, false voice, "it's a good thing the men couldn't hear us! Getting all stirred up over a little thing like a—dead canary." She hurried over that. "As if that could have anything to do with—with— My, wouldn't they *laugh*?"

Footsteps were heard on the stairs.

"Maybe they would," muttered Mrs. Hale—"maybe they wouldn't."

"No, Peters," said the county attorney incisively; "it's all perfectly clear, except the reason for doing it."

In a covert way Mrs. Hale looked at Mrs. Peters. Mrs. Peters was looking at her. Quickly they looked away from each other. The outer door opened and Mr. Hale came in.

"I've got the team round now," he said. "Pretty cold out there."

"I'm going to stay here awhile by myself," the county attorney suddenly announced. "You can send Frank out for me, can't you?" he asked the sheriff. "I want to go over everything. I'm not satisfied we can't do better."

Again, for one brief moment, the two women's eyes found one another.

The sheriff came up to the table.

"Did you want to see what Mrs. Peters was going to take in?"

The county attorney picked up the apron. He laughed.

"Oh, I guess they're not very dangerous things the ladies have picked out."

Mrs. Hale's hand was on the sewing basket in which the box was concealed. She felt that she ought to take her hand off the basket. She did not seem able to. He picked up one of the quilt blocks which she had piled on to cover the box. Her eyes felt like fire. She had a feeling that if he took up the basket she would snatch it from him.

But he did not take it up. With another little laugh, he turned away, saying:

"No; Mrs. Peters doesn't need supervising. For that matter, a sheriff's wife is married to the law. Ever think of it that way, Mrs. Peters?"



Mrs. Peters was standing beside the table. Mrs. Hale shot a look up at her; but she could not see her face. Mrs. Peters had turned away. When she spoke, her voice was muffled.

"Not—just that way," she said.

"Married to the law!" chuckled Mrs. Peter's husband. He moved toward the door into the front room, and said to the county attorney:

"I just want you to come in here a minute, George. We ought to take a look at these windows."

"Oh—windows," said the county attorney scoffingly.

"We'll be right out, Mr. Hale," said the sheriff to the farmer, who was still waiting by the door.

Hale went to look after the horses. The sheriff followed the county attorney into the other room. Again—for one final moment—the two women were alone in that kitchen.

Martha Hale sprang up, her hands tight together, looking at that other woman, with whom it rested. At first she could not see her eyes, for the sheriff's wife had not turned back since she turned away at that suggestion of being married to the law. But now Mrs. Hale made her turn back. Her eyes made her turn back. Slowly, unwillingly, Mrs. Peters turned her head until her eyes met the eyes of the other woman. There was a moment when they held each other in a steady, burning look in which there was no evasion nor flinching. Then Martha Hale's eyes pointed the way to the basket in which was hidden the thing that would make certain the conviction of the other woman—that woman who was not there and yet who had been there with them all through that hour.

For a moment Mrs. Peters did not move. And then she did it. With a rush forward, she threw back the quilt pieces, got the box, tried to put it in her handbag. It was too big. Desperately she opened it, started to take the bird out. But there she broke—she could not touch the bird. She stood there helpless, foolish.

There was the sound of a knob turning in the inner door. Martha Hale snatched the box from the sheriff's wife, and got it in the pocket of her big coat just as the sheriff and the county attorney came back into the kitchen.

"Well, Henry," said the county attorney facetiously, "at least we found out that she was not going to quilt it. She was going to—what is it you call it, ladies?"

Mrs. Hale's hand was against the pocket of her coat.

"We call it—knot it, Mr. Henderson."

Glaspell, S. (1936). A jury of her peers. In J.A. Burrell and B.A. Cerf (Eds.), *Anthology of famous American stories* (pp. 810-854). New York: Modern Library.

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## APPENDIX C

### Sex Education

by

Dorothy Canfield

It was three times—but at intervals of many years—that I heard my Aunt Minnie tell about an experience of her girlhood that had made a never-to-be-forgotten impression on her. The first time she was in her thirties, still young. But she had then been married for ten years, so that to my group of friends, all in the early teens, she seemed quite of another generation.

The day she told us the story, we had been idling on one end of her porch as we made casual plans for a picnic supper in the woods. Darning stockings at the other end, she paid no attention to us until one of the girls said, “Let’s take blankets and sleep out there. It’d be fun.”

“No,” Aunt Minnie broke in sharply, “you mustn’t do that.”

“Oh, for goodness sakes, why not!” said one of the younger girls, rebelliously. “The boys are always doing it. Why can’t we, just once?”

Aunt Minnie laid down her sewing. “Come here, girls,” she said, “I want you should hear something that happended to me when I was your age.”

Her voice had a special quality which, perhaps, young people of today would not recognize. But we did. We knew from experience that it was the dark voice grownups used when they were going to say something about sex.

Yet at first what she had to say was like any dull family anecdote. She had been ill when she was fifteen; and afterwards she was run down, thin, with no appetite. Her folks thought a change of air would do her good, and sent her from Vermont out to Ohio—or was it Illinois? I don’t remember. Anyway, one of those places where the corn grows high. Her mother’s Cousin Ella lived there, keeping house for her son-in-law.

The son-in-law was the minister of the village church. His wife had died some years before, leaving him a young widower with two little girls and baby boy. He had been a normally personable man then, but the next summer, on the Fourth of July when he was trying to set off some fireworks to amuse his children, an imperfectly manufactured rocket had burst in his face. The explosion had left one side of his face badly scarred. Aunt Minnie made us see it, as she still saw it, in horrid detail—the stiffened, scarlet scar tissue distorting one cheek, the lower lip turned so far out at one corner that the moist red mucous-membrane lining always showed, one lower eyelid hanging loose, and watering.



After the accident, his face had been a long time healing. It was then that his wife's elderly mother had gone to keep house and take care of the children. When he was well enough to be about again, he found his position as pastor of the little church waiting for him. The farmers and village people in his congregation, moved by his misfortune, by his faithful service and by his unblemished character, said they would rather have Mr. Fairchild, even with his scarred face, than any other minister. He was a good preacher, Aunt Minnie told us, "and the way he prayed was kind of exciting. I'd never known a preacher, not to live in the same house with him, before. And when he was in the pulpit, with everybody looking up at him, I felt the way his children did, kind of proud to think we had just eaten breakfast at the same table. I liked to call him 'Cousin Malcolm' before folks. One side of his face was all right, anyhow. You could see from that he *had* been a good-looking man. In fact, probably one of those ministers that all the women—" Aunt Minnie paused, drew her lips together, and looked at us uncertainly.

Then she went back to the story as it happened—as it happened that first time I heard her tell it. "I thought he was a saint. Everybody out there did. That was all *they* knew. Of course, it made a person sick to look at that awful scar—the drooling corner of his mouth was the worst. He tried to keep that side of his face turned away from folks. But you always knew it was there. That was what kept him from marrying again, so Cousin Ella said. I heard her say lots of times that he knew no woman would touch any man who looked the way he did, not with a ten-foot pole.

"Well, the change of air did do me good. I got my appetite back, and ate a lot and played outdoors a lot with my cousins. They were younger than I (I had my sixteenth birthday there) but I still liked to play games. I got taller and laid on some weight. Cousin Ella used to say I grew as fast as the corn did. Their house stood at the edge of the village. Beyond it was one of those big cornfields they have out West. At the time when I first got there, the stalks were only up to a person's knee. You could see over their tops. But it grew like lightning, and before long, it was the way thick woods are here, way over your head, the stalks growing so close together it was dark under them.

"Cousin Ella told us youngsters that it was lots worse for getting lost in than woods, because there weren't any landmarks in it. One spot in a cornfield looked just like any other. 'You children keep out of it,' she used to tell us almost every day '*especially you girls*. It's no place for a decent girl. You could easy get so far from the house nobody could hear you if you hollered. There are plenty of men in this town that wouldn't like anything better than—' she never said what.

"In spite of what she said, my little cousins and I had figured out that if we went across one corner of the field, it would be a short cut to the village, and sometimes, without letting



on to Cousin Ella, we'd go that way. After the corn got really tall, the farmer stopped cultivating, and we soon beat down a path in the loose dirt. The minute you were inside the field it was dark. You felt as if you were miles from anywhere. It sort of scared you. But in no time the path turned and brought you out on the far end of Main Street. Your breath was coming fast, maybe, but that was what made you like to do it.

"One day I missed the turn. Maybe I didn't keep my mind on it. Maybe it had rained and blurred the tramped-down look of the path. I don't know what. All of a sudden, I knew I was lost. And the minute I knew that, I began to run, just as hard as I could run. I couldn't help it, any more than you can help snatching your hand off a hot stove. I didn't know what I was scared of, I didn't even know I was running, till my heart was pounding so hard I had to stop.

"The minute I stood still, I could hear Cousin Ella saying, 'There are plenty of men in this town that wouldn't like anything better than—' I didn't know, not really, what she meant. But I knew she meant something horrible. I opened my mouth to scream. But I put both hands over my mouth to keep the scream in. If I made any noise, one of those men would hear me. I thought I heard one just behind me, and whirled around. And then I thought another one had tiptoed up behind me, the other way, and I spun around so fast I almost fell over. I stuffed my hands hard against my mouth. And then—I couldn't help it—I ran again—but my legs were shaking so I soon had to stop. There I stood, scared to move for fear of rustling the corn and letting the men know where I was. My hair had come down, all over my face. I kept pushing it back and looking around, quick, to make sure one of the men hadn't found out where I was. There I thought I saw a man coming toward me, and I ran away from him—and fell down, and burst some of the buttons off my dress, and was sick to my stomach—and thought I heard a man close to me and got up and staggered around, knocking into the corn because I couldn't even see where I was going.

"And then, off to one side, I saw Cousin Malcolm. Not a man—The minister. He was standing still, one hand up to his face, thinking. He hadn't heard me.

"I was so *terrible* glad to see him, instead of one of those men, I ran as fast as I could and just flung myself on him, to make myself feel how safe I was."...

Aunt Minnie had become strangely agitated. Her hands were shaking, her face was crimson. She frightened us. We could not look away from her. As we waited for her to go on, I felt little spasms twitch at the muscles inside my body—"And what do you think that *saint*, that holy minister of the Gospel, did to an innocent child who clung to him for safety? The most terrible look came into his eyes—you girls are too young to know what he looked like. But once you're married, you'll find out. He grabbed hold of me—that dreadful face of his was *right on mine*—and began clawing the clothes off my back."

She stopped for a moment, panting. We were too frightened to speak. She went on: "He had torn my dress right down to the waist before I—then I *did* scream—all I could—and pulled away from his so hard I almost fell down, and ran and all of a sudden I came out of the corn, right in the backyard of the Fairchild house. The children were staring at the corn, and Cousin Ella ran out of the kitchen door. They had heard me screaming. Cousin Ella shrieked out, 'What is it? What happened? Did a man scare you?' And I said, 'Yes, yes, yes, a man—I ran—!' And then I fainted away. I must have. The next thing I knew I was on the sofa in the living room and Cousin Ella was slapping my face with a wet towel."

She had to wet her lips with her her tongue before she could go on. Her face was gray now. "There! that's the kind of thing girls' folks ought to tell them about—so they'll know what men are like."

She finished her story as if she were dismissing us. We wanted to go away, but we were too horrified to stir. Finally, one of the youngest girls asked in a low trembling voice, "Aunt Minnie, did you tell on him?"

"No, I was ashamed to," she said briefly. "They sent me home the next day, anyhow. Nobody ever said a word to me about it. And I never did either. Till now..."

By what gets printed in some of the modern child-psychology books, you would think that girls to whom such a story had been told would never develop normally. Yet, as far as I can remember what happened to the girls in that group, we all grew up about like anybody. Most of us married, some happily, some not so well. We kept house. We learned—more or less—how to live with our husbands; we had children and struggled to bring them up right—we went forward into life just as if we had never been warned not to.

Perhaps, young as we were that day, we had already had enough experience of life so that we were not quite blank paper for Aunt Minnie's frightening story. Whether we thought of it then or not, we couldn't have failed to see that at this very time Aunt Minnie had been married for ten years or more, comfortably and well married, too. Against what she tried by that story to brand into our minds, stood the cheerful homelife in that house, the good-natured, kind, hard-working husband, and the children—the three rough-and-tumble, nice little boys, so adored by their parents, and the sweet girl baby who died, of whom they could never speak without tears. It was such actual contact with adult life that probably kept generation after generation of girls from being scared by tales like Aunt Minnie's into a neurotic horror of living...

Of course, since Aunt Minnie was so much older than we, her boys grew up to be adolescents and young men while our children were still little enough so that our worries over them were nothing more serious than whooping cough and trying to get them to make their



own beds. Two of our aunt's three boys followed, without losing their footing, the narrow path which leads across adolescence into normal adult life. But the middle one, Jake, repeatedly fell off into the morass. "Girl trouble," as the succinct family phrase put it. He was one of those boys who have "charm," whatever we mean by that, and he was always being snatched at by girls who would be "all wrong" for him to marry. And once, at nineteen, he ran away from home, whether with one of these girls or not we never heard, for through all her ups and downs with this son, Aunt Minnie tried fiercely to protect him from scandal that might cloud his later life.

Her husband had to stay on his job to earn the family living. She was the one who went to find Jake. When it was gossiped around that Jake was in "bad company" his mother drew some money from the family savings-bank account, and silent, white-cheeked, took the train to the city where rumor said he had gone.

Some weeks later he came back with her. With no girl. She had cleared him of that entanglement. As of others, which followed, later. Her troubles seemed over when at a "suitable" age, he fell in love with a "suitable" girl, married her and took her to live in our shire town, sixteen miles away, where he had a good position. Jake was always bright enough.

Sometimes, idly, people speculated as to what Aunt Minnie had seen that time she went after her runaway son, wondering where her search for him had taken her—very queer places for Aunt Minnie to be in, we imagined. And how could such an ignorant home-keeping woman ever have known what to say to an errant wilful boy to set him straight?

Well, of course, we reflected, watching her later struggles with Jake's erratic ways, she certainly could not have remained ignorant, after seeing over and over what she probably had; after talking with Jake about the things which, a good many times, must have come up with desperate openness between them.

We were hastily making a layette for a not especially welcome baby in a poor family. In those days, our town had no such thing as a district-nursing service. Aunt Minnie, a vigorous woman of fifty-five, had come in to help. As we sewed, we talked, of course; and because our daughters were near or in their teens, we were comparing notes, about the bewildering responsibility of bringing up girls.

After a while, Aunt Minnie remarked: "Well, I hope you teach your girls some *sense*. From what I read, I know you're great on telling them 'the facts,' facts we never heard of when we were girls. Like as not, some facts I don't know now. But knowing the facts isn't going to do them any more good than *not* knowing the facts ever did, unless they have some sense taught them, too."

"What do you mean, Aunt Minnie?" one of us asked her uncertainly.



She reflected, threading a needle: “Well, I don’t know but what the best way to tell you what I mean, is to tell you about something that happened to me, forty years ago. I’ve never said anything about it before. But I’ve thought about it a good deal. Maybe—”

She had hardly begun when I recognized the story—her visit to her Cousin Ella’s midwestern home, the widower with his scarred face and saintly reputation and, very vividly, her getting lost in the great cornfield. I knew every word she was going to say—to the very end, I thought.

But no, I did not. Not at all.

She broke off, suddenly, to exclaim with impatience: “Wasn’t I the big ninny? But not so big a ninny as that old cousin of mine. I could wring her neck for getting me in such a state. Only she didn’t know any better, herself. That was the way they brought young people up in those days, scaring them out of their wits about the awfulness of getting lost, but not telling them a thing about how *not* to get lost. Or how to act, if they did.

“If I had had the sense I was born with, I’d have known that running my legs off in a zigzag was the worst thing I could do. I couldn’t have been more than a few feet from the path when I noticed I wasn’t on it. My tracks in the loose ploughed dirt must have been perfectly plain. If I’d h’ stood still, and collected my wits, I could have looked down to see which way my footsteps went and just walked back over them to the path and gone on about my business.

“Now I ask you, if I’d been told how to do that, wouldn’t it have been a lot better protection for me—if protection was what my cousin thought she wanted to give me—than to scare me so at the idea of being lost that I turned deaf-dumb-and-blind when I thought I was?

“And anyhow that patch of corn wasn’t as big as she let on. And she knew it wasn’t. It was no more than a big field in a farming country. I was a well-grown girl of sixteen, as tall as I am now. If I couldn’t have found the path, I could have just walked along one line of cornstalks—*straight*—and I’d have come out somewhere in ten minutes. Fifteen at the most. Maybe not just where I wanted to go. But all right, safe, where decent folks were living.”

She paused, as if she had finished. But at the inquiring blankness in our faces, she went on: “Well now, why isn’t teaching girls—about this man-and-woman business, something like that? If you give them the idea—no matter whether it’s *as* you tell them the facts, or as you *don’t* tell them the facts, that it is such a terribly scary thing that if they take a step into it, something’s likely to happen to them so awful that you’re ashamed to tell them what—well, they’ll lose their heads and run around like crazy things, first time they take one step away from the path.

“For they’ll be trying out the paths, all right. You can’t keep them from it. And a good thing, too. How else are they going to find out what it’s like. Boys’ and girls’ going together is a path across one corner of growing up. And when they go together, they’re likely to get off the path some. Seems to me, it’s up to their folks to bring them up so, when they do, they don’t start screaming and running in circles, but stand still, right where they are, and get their breath and figure out how to get back.

“And, anyhow, you don’t tell ’em the truth about sex” (I was astonished to hear her use the actual word, tabu to women of her generation) “if they get the idea from you that it’s all there is to living. It’s not. If you don’t get to where you want to go in it, well, there’s a lot of landscape all around it a person can have a good time in.

“D’you know, I believe one thing that gives girls and boys the wrong idea is the way folks *look*! My old cousin’s face, I can see her now, it was red as a rooster’s comb when she was telling me about men in that cornfield. I believe now she kind of liked to talk about it!”

(On, Aunt Minnie—and yours! I thought.)

Someone asked, “But how *did* you get out, Aunt Minnie?”

She shook her head, laid down her sewing. “More foolishness. That minister my mother’s cousin was keeping house for—her son-in-law—I caught sight of him, down along one of the aisles of cornstalks, looking down at the ground, thinking, the way he often did. And I was so glad to see him I rushed right up to him, and flung my arms around his neck and hugged him. He hadn’t heard me coming. He gave a great start, put one arm around me and turned his face full towards me—I suppose for just a second he had forgotten how awful one side of it was. His expression, his eyes—well, you’re all married women, you know how he looked, the way any able-bodied man thirty-six-or-seven, who’d been married and begotten children, would look—for a minute, anyhow, if a full-blooded girl of sixteen, who ought to have known better, flung herself at him without any warning, her hair tumbling down, her dress half-unbuttoned, and hugged him with all her might.

“I was what they called innocent in those days. That is, I knew just as little about what men are like as my folks could manage I should. But I was old enough to know all right what that look meant. And it gave me a start. But, of course, the real thing of it was that dreadful scar of his, so close to my face—that wet corner of his mouth, his eye drawn down with the red inside of the lower eyelid showing.

“It turned me so sick, I pulled away with all my might, so fast that I ripped one sleeve nearly loose, and let out a screech like a wild cat. And ran. Did I run! And in a minute, I was through the corn and had come out in the backyard of the house. I hadn’t been more than a few feet from it, probably, any of the time. And then I fainted away. Girls were always



fainting away; it was the way our corset strings were pulled tight, I suppose, and then—oh, a lot of fuss.

“But anyhow,” she finished, picking up her work and going on, setting neat firm stitches with steady hands, “there’s one thing, I never told anybody it was Cousin Malcolm I had met in the cornfield. I told my old cousin that ‘a man had scared me.’ And nobody said anything more about it to me, not ever. That was the way they did in those days. They thought if they didn’t let on about something, maybe it wouldn’t have happened. I was sent back to Vermont right away, and Cousin Malcolm went on being minister of the church.

“I’ve always been,” said Aunt Minnie moderately, “kind of proud that I didn’t go and ruin a man’s life for just one second’s slip-up. If you could have called it that. For it *would* have ruined him. You know how hard as stone people are about other folks’ let-downs. If I’d have told, not one person in that town would have had any charity. Not one would have tried to understand. One slip, once, and they’d have pushed him down in the mud. If I had told, I’d have felt pretty bad about it, later—when I came to have more sense. But I declare, I can’t see how I came to have the decency, dumb as I was then, to know that it wouldn’t be fair.”...

It was not long after this talk that Aunt Minnie’s elderly husband died, mourned by her, by all of us. She lived alone then. It was peaceful October weather for her, in which she kept a firm roundness of face and figure, as quiet-living countrywomen often do on into her late sixties.

But then Jake, the boy who had girl trouble, had wife trouble. We heard he had taken to running after a young girl, or was it that she was running after him? It was something serious. For his nice wife left him and came back with the children to live with her mother in town. Poor Aunt Minnie used to go to see her for long talks which made them both cry. And she went to keep house for Jake, for months at a time.

She grew old, during those years. When finally she (or something) managed to get the marriage mended so that Jake’s wife relented and went back to live with him, there was no trace of her pleasant brisk freshness. She was stooped and slow-footed and shrunken. We, her kinspeople, although we would have given our lives for any one of our own children, wondered whether Jake was worth what it had cost his mother to—well, steady him, or reform him. Or perhaps just understand him. Whatever it took.

She came of a long-lived family and was able to go on keeping house for herself well into her eighties. Of course, we and the other neighbors stepped in often to make sure she was all right. Mostly, during those brief calls, the talk turned on nothing more vital than her geraniums. But one midwinter afternoon, sitting with her in front of her cozy stove, I chanced to speak in rather hasty blame of someone who had, I thought, acted badly. To my surprise



this brought from her the story about the cornfield which she had evidently quite forgotten telling me, twice before.

This time she told it almost dreamily, swaying to and fro in her rocking chair, her eyes fixed on the long slope of snow outside her window. When she came to the encounter with the minister she said, looking away from the distance and back into my eyes: "I know now that I had been, all along, kind of interested in him, the way any girl as old as I was would be in any youngish man living in the same house with her. And a minister, too. They have to have the gift of gab so much more than most men, women get to thinking they are more alive than men who can't talk so well. I thought the reason I threw my arms around him was because I had been so scared. And I certainly had been scared, by my own cousin's horrible talk about the cornfield being full of men waiting to grab girls. But that wasn't all the reason I flung myself at Malcolm Fairchild and hugged him. I know that now. Why in the world shouldn't I have been taught *some* notion of it then? "Twould do girls good to know that they are just like everybody else—human nature *and* sex, all mixed up together. I didn't have to hug him. I wouldn't have, if he'd been dirty or fat and old, or chewed tobacco."

I stirred in my chair, ready to say, "But it's not so simple as all that to tell girls—" and she hastily answered my unspoken protest. "I know I know, most of it can't be put into words. There just aren't any words to say something that's so both-ways-at-once all the time as this man-and-woman business. But look here, you know as well as I do that there are lots more ways than in words to teach young folks what you want 'em to know."

The old woman stopped her swaying rocker to peer far back into the past with honest eyes. "What was in my mind back there in the cornfield—partly, anyhow—was what had been there all the time I was living in the same house with Cousin Malcolm—that he had long straight legs, and broad shoulders, and lots of curly brown hair, and was nice and flat in front, and that one side of his face was good-looking. But most of all, that he and I were really alone, for the first time, without anybody to see us.

"I suppose, if it hadn't been for that dreadful scar, he'd have drawn me up, tight, and—most any man would—kissed me. I know how I must have looked, all red and hot and my hair down and my dress open. And, used as he was to big cornfields, he probably never dreamed that the reason I looked that way was because I was scared to be myself in one. He may have thought—you know what he may have thought.

"Well—if his face had been like anybody's, when he looked at me the way he did, the way a man does look at a woman he wants to have, it would have scared me—I'd have cried, maybe. And probably he'd have kissed me again. You know how such things go. I might have come out of the cornfield halfway engaged to marry him. Why not? I was old enough,

as people thought then. That would have been Nature. That was probably what he thought of, in that first instant.

“But what did I do? I had one look at his poor horrible face, and started back as though I’d stepped on a snake. And screamed and ran.

“What do you suppose *he* felt, left there in the corn? He must have been sure that I would tell everybody he had attacked me. He probably thought that when he came out and went back to the village he’d already be in disgrace and put out of the pulpit.

“But the worst must have been to find out, so rough, so plain from the way I acted—as if somebody had hit him with an ax—the way he would look to any woman he might try to get close to.

“That must have been—” she drew a long breath—“well, pretty hard on him.”

After a silence, she murmured pityingly, “Poor man!”

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