

National Association of
State Judicial Educators



School of Criminal Justice
Michigan State University

***CLAIMING STATUS IN AN
EMERGING OCCUPATION:
A Study of State Judicial
Education in America***

JERITT Monograph Nine

*1407 South Harrison, Suite 330 Nisbet
East Lansing, MI 48823-5239
(517) 353-8603*

<http://jeritt.msu.edu>

SJI

Project Staff

Maureen E. Conner, *Executive Director*
John K. Hudzik, *Senior Associate*
Dennis W. Catlin, *Senior Associate*
Jennae L. Rozeboom
Theresa K. Thelen

Project Office

The JERITT Project
Michigan State University
1407 South Harrison
Suite 330 Nisbet
East Lansing, MI 48823-5239

517/353-8603
Fax: 517/432-3965
<http://jeritt.msu.edu>

Copyright © 1999 by the Judicial Education Reference, Information and
Technical Transfer Project

Claiming Status in an Emerging Occupation: A Study of State Judicial Education in America was developed under Grant No. SJI-91-008 from the State Justice Institute. Points of view expressed herein are those of the JERITT Project and do not necessarily represent the official position or policies of the State Justice Institute. The JERITT Project is co-sponsored by the National Association of State Judicial Educators and the School of Criminal Justice at Michigan State University.

MSU in an Affirmative Action/Equal Opportunity Institution

Claiming Status in an Emerging Occupation: A Study of State Judicial Education in America

Maureen E. Conner

1999

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

ABSTRACT

This study examines how an emerging occupation, judicial education, claims professional status. The study also provides insight into how professional status can be difficult to acquire without formalized training that connotes universally accepted standards and definitions and unchallenged application of expert knowledge. The analysis relies on the sociology of the professions, which assumes that acquisition of certain elements will bestow or deny professional status. Eight elements are identified and discussed: (1) the importance of a specialized knowledge base acquired through extensive education and training, (2) the importance of maintaining power and control over the problem-solving process by diagnosing and treating problems using the expert knowledge in a nonroutine way, (3) the importance of ensuring autonomy by claiming and holding jurisdictional boundaries of the work, (4) the importance of serving high-status clients, (5) the effect of organizational prestige on individual prestige, (6) the opportunity for advancement through networking, (7) the importance of receiving recognition, and (8) the importance of receiving increased monetary rewards for engaging in professional work. Each element demonstrates the criticality of defining the professional work, establishing its knowledge base, determining its boundaries, knowing the value of the work to others, and identifying what obstacles and strengths an occupation has as it strives to acquire professional status in contemporary organizational cultures. This study concludes with an analysis of whether judicial education exhibits the characteristics of the traditional-service model of the professions or the Marxian model of power and control.

The study employed qualitative research methods. The data were collected through telephone interviews, using an interview guide. The data were coded, and the codes became the descriptive terms used to define the work of judicial education and determine its status. Analysis of the terms comprised the findings of this study, which indicated that judicial education has not yet fully attained the eight professional-status elements established in previous sociological research.

ACKNOWLEDGEMENTS

Originally, the purpose of this research was to fulfill the final requirement for my doctorate degree in sociology. However, as I immersed myself fully in the review of the literature, developed my research methods, and engaged in the rich exchange of ideas, information, and values with the subjects of my study; I came to understand that the real benefit of my research could be realized only if I shared what I had learned about judicial education's journey to establish itself and become recognized as a legitimate profession. Consequently, this monograph was born with the sole intent of providing insight into what is needed to assure judicial education's professional status. The information, now delivered, stands as a call to action by those who champion the cause of this work.

I extend my heartfelt appreciation to the 50 state judicial educators who spoke with me about their work and its meaning and value. They shared their thoughts and beliefs with openness and intense feeling. I am honored by the experience.

Last, I wish to express my gratitude to Dr. John Hudzik, Dr. Dennis Catlin, Renee Robinson Bockes, and Jennae Rozeboom. These individuals, all of whom who are either past or present members of the JERITT Project family, helped make this research possible.

Table of Contents

List of Tables	v
List of Figures.....	vi
Introduction.....	1
A Brief Overview of the Development of Judicial Education in the United States	1
Programming Information	3
Description of NASJE.....	9
Purpose of NASJE	9
NASJE Board Structure	9
NASJE Committees	10
NASJE Membership	10
Projects and Services of NASJE	11
Gaps Between What Is Known and Not Known About Judicial Education.....	13
Reasons for This Study	13
Statement of the Problem.....	13
Research Questions.....	14
Research Design.....	16
Position of the Researcher	17
Overview	18
Chapter One: A Review of the Two Dominant Approaches and Models in the Study of Professions.....	21
Historical Summary	21
The Importance of Studying Professions.....	23
Two Approaches to Studying the Professions: An Overview	24
Two Competing Models of the Professions.....	25
Traditional-Service Model	25
The Power-Control Model	26
Status in the Two Models	28
Chapter Two: Research Methods.....	31
The Research Population	31
Data Collection	31
Interview Guide and Format	31
The Interview Environment	33
The Interview Questions	35
Revisions to the Interview Questions	41
Data Analysis	42
Strategy 1: Code the Data	42
Strategy 2: Data Diagrams	43
Strategy 3: Answer the Research Questions	43

Units of Analysis.....	44
Gender of the Judicial Educator.....	45
Educational Background.....	45
Organizational Size.....	45
Career Stage.....	47
Comparative Analysis between the Judicial Education Status Elements and the Status Elements in the Literature	48
Chapter Three: Findings.....	49
Research Question 1: What is the Work of Judicial Educators?	49
Job Responsibilities in Judicial Education Work.....	50
Job Responsibilities in Nonjudicial Education Work	51
Research Question 2: What Do Judicial Educators Value About Their Work?	55
Research Question 3: What Do Judicial Educators Perceive That Others Value About Their Work?.....	56
Significant Others/Partners	57
Friends.....	58
Organizational Peers	59
Judicial Educator Colleagues.....	60
Supervisors.....	61
Audiences/Client Groups.....	62
State Legislators and the General Public	63
Research Question 4: What are the Differences and/or Similarities Between What Judicial Educators Value, and What Others Value About Judicial Education Work?.....	66
Research Question 5: What are the Differences and/or Similarities Between Judicial Educators with Regard to Their Perceptions About What is Valuable in Their Work, and What Accounts for These Differences and/or Similarities?.....	66
Effect of Gender.....	67
Effect of Educational Background.....	71
Effect of Length of Experience.....	72
Effect of Organizational Placement.....	72
Effect of Audience Composition	73
Research Question 6: Do Judicial Educators Believe That the Value Attributed to Judicial Education Has Changed Over the Past Ten Years (1986), and Do They Think It Will Change Over the Next Ten Years (2006)?.....	74
Research Question 7: What are the Elements that Judicial Educators Perceived Made a Profession, and How Many of the Elements of Professional Status Does Judicial Education Possess?.....	76
Research Question 8: What are the Strengths of and Obstacles Faced by Judicial Education as it Strives to Achieve Professional Standing?	79

Chapter Four: Discussion and Recommendations.....	83
Discussion of Findings.....	83
Element 1: Obtaining Abstract Knowledge Through Specialized Education and Training for the Purpose of Solving Human Problems	83
Element 2: Applying Abstract Knowledge to the Problem-Solving Process of Diagnosing, Treating, and Inferring in a Way That Is Not Routine, Thus Maintaining Power and Control Over Problem Solving	85
Element 3: Ensuring Autonomy by Claiming and Holding Jurisdiction Through Means Such as Obtaining Expert Knowledge, Skilled Application of Expert Knowledge, Licensure, Ethics Codes, Statutes, Case Law, Media Manipulation, and Public Relations	86
Element 4: Serving High-Status Clients or Not Being Involved in Client Service at All, But Rather Serving Other Professionals	88
Element 5: Professional Prestige Being Equivalent to Organizational Prestige.....	88
Element 6: Connection to the Right Networks That Ensure Sponsorship to the Top of the Organizational Hierarchy	90
Element 7: Recognition by Peers.....	90
Element 8: Increased Earning Potential	90
Judicial Education and Models of Profession.....	91
The Traditional-Service Model.....	92
The Power and Control Model.....	92
Judicial Education and the Models	92
Recommendations for Further Study	93
 Appendix A: Descriptors and Explanations of Judicial Education and Nonjudicial Education Job Responsibilities	 97
 Appendix B: Descriptors and Explanations of What Judicial Educators Valued About Their Work.....	 105
 Appendix C: Descriptors and Explanations of What Others (i.e., significant others/partners, friends, organizational peers, judicial educators, colleagues, supervisors, audiences/client groups, state legislators, and the public) Valued About the Judicial Education Work.....	 109
 Appendix D: Descriptors and Explanations of What the Respondents Perceived Their Colleagues Valued About Their Own Work.....	 121
 Appendix E: Descriptors and Explanations Regarding Gender Differences in What Judicial Educators Valued.....	 123
 Appendix F: Descriptors and Explanations of Differences Based on Educational Background	 127

Appendix G: Descriptors and Explanations Regarding the Effect of Length of Experience.....	131
Appendix H: Descriptors and Explanations Regarding Value Differences Based on Organizational Placement	133
Appendix I: Descriptors and Explanations Regarding Whether Audience Composition Made a Difference in What Judicial Educators Valued.....	135
Appendix J: Descriptors and Explanations Regarding the Value of Judicial Education Ten Years into the Future	137
Appendix K: Descriptors and Explanations Regarding the Strengths of Judicial Education That Promote Achievement of Professional Status	139
Appendix L: Descriptors and Explanations Regarding the Obstacles to Judicial Education Achieving Professional Status	141
List of References	143

List of Tables

Table 1. Subject Matter Reported to the JERITT Project From 1990 to the Present	3
Table 2. Target Audience Reported to the JERITT Project From 1990 to the Present	7
Table 3. Judicial Education Job Responsibilities	51
Table 4. Nonjudicial Education Job Responsibilities	54
Table 5. What Judicial Educators Valued About Their Work.....	56
Table 6. What Significant Others Valued About Judicial Education	58
Table 7. What Friends Valued About Judicial Education	59
Table 8. What Organizational Peers Valued About Judicial Education	60
Table 9. What Other Judicial Educators Valued About the Respondents Judicial Education Work	60
Table 10. What Supervisors Valued About Judicial Education	61
Table 11. What Audiences Valued About Judicial Education	62
Table 12. What Judicial Educators' Colleagues Valued About Their Own Work	67
Table 13. Perceptions on Whether Audience Made a Difference in What Judicial Educators Valued About Their Work	74
Table 14. Value of Judicial Education Ten Years Ago (1986).....	75
Table 15. Perceived Value of Judicial Education Ten Years From Now (2006)	76
Table 16. Acquisition of Professional Status Elements.....	77
Table 17. Indicators of Professional Status Not Held by Judicial Education	78
Table 18. Strengths of Judicial Education That Promote Achievement of Professional Status.....	79
Table 19. Obstacles to Judicial Education That Prevent Achievement of Professional Status.....	80

List of Figures

Figure 1. State Judicial Educator Job Responsibilities in Judicial Education.....	50
Figure 2. State Judicial Educator Job Responsibilities in State Judicial Branch	53
Figure 3. Groups That Value Judicial Educator Work, from Most to Least	64
Figure 4. Unknown Value of Judicial Education, in Descending Order.....	65
Figure 5. Characteristics Commonly Attributed to Women	70
Figure 6. Characteristics Commonly Attributed to Men.....	71

Introduction

The purpose of this research was to study how members of an emergent occupation, judicial education, identify and claim status. During the summer of 1996, I interviewed 50 state judicial educators about what they valued about their work, what they perceived others valued, and the extent to which they believed their occupation could claim professional status.

Judicial educators are in the state court systems. There are some minimal differences across states; however, the primary function of judicial educators is to develop and administer conferences, seminars, workshops, self-study packages, and distance education programs for state court judges and personnel (Hudzik 1995). This introduction includes nine sections: a brief overview of the development of judicial education in the United States, programming information, a description of the National Association of State Judicial Educators (NASJE), gaps between what is known and not known about judicial education, reasons for this study, statement of the problem, research questions, research design, position of the researcher, and an overview of the remainder of the monograph.

A Brief Overview of the Development of Judicial Education in the United States¹

There are both state-based judicial education organizations and organizations that exist to serve national markets. Over 67 such organizations are actively engaged in providing continuing judicial education. This study concerns itself with only state judicial education organizations.

Four state judicial education organizations existed before 1961. By 1970, there were 12 state organizations. The greatest activity was between 1971 and 1980, when the total number of state judicial education organizations increased to 38. Between the years of 1981 and 1993, 19 new state programs came into existence.

The 1970s were the greatest period for creation for state organizations due to the availability of federal training funds provided by the Law Enforcement Education Program (LEEP) through the state capacity-building objectives of the Law Enforcement Assistance

¹ The information reported in this section is extracted from *Issues and Trends* (Hudzik 1991, 1993, and 1995). *Issues and Trends* is a bi-annual publication of the JERITT Project. The contents of these publications come from bi-annual surveys of state and national judicial education organizations, and through the analysis of the JERITT Project's databases, which contain programming information from all state and national judicial education organizations. The information in the databases is reported monthly by approximately 67 state and national judicial education organization providers. The most recent statistical information on judicial education in the United States will be available in 1999 when the next *Issues and Trends* will be published.

Administration (LEAA). One form of capacity building was the creation of local and state organizations, which provided on-going support systems for criminal justice agencies. This included the creation of local education and training organizations.

State-based judicial education organizations are continuing to expand due to the existence of the State Justice Institute (SJI). SJI is a federally funded organization whose mission is to improve the state court systems and to enhance relationships between state and federal courts. Funding for education and training initiatives is one of the ways that SJI accomplishes its mission.

Most judicial education organizations, whether started with state or federal funds, are affiliated with their state supreme court, state court administrator's office, or both. The remainder of the state organizations is affiliated with universities, judges' conferences, nonprofit corporations, or a combination thereof.

Nearly a third of the state judicial education organizations exist by way of statutory provision, another third by court order or court rule, three by way of articles of incorporation, and the remainder by "other means". The "other means" include, for example, "judicial council rule," "administrative decision of the supreme court," "constitutional provisions," or "no specific action". For most judicial education organizations their existence, and presumably their basic purpose, is fairly well set by some formal action. That action may be statutory, court order, or by articles of incorporation.

The vast majority of state judicial education organizations sees judges in their state as their primary constituent group, although not their exclusive clientele group. There is a relatively stable distribution of the proportion of programs having judges and nonjudges as target audiences. State organizations target judges approximately two-thirds of the time.

Judicial education organizations have a variety of staffing patterns. The most constant position is that of full-time judicial education director. Other positions present in judicial education organizations, depending on organizational size, are deputy directors, program attorneys, adult-education professionals, support staff, and technical staff. Most judicial education organizations are small. In this study, 11 or 22 percent of the judicial educators were from one-person judicial education organizations, 15 or 30 percent were from organizations of two to three employees, 12 or 24 percent had four to six employees, 6 or 12 percent had seven to nine employees, and those judicial education organizations considered large had 10 or more employees. Only 6 or 12 percent of the judicial education organizations were considered large.

In addition to administrative and program staff, boards and committees often aid judicial education organizations. The responsibilities of these boards and committees range from policy making to advisory to providers of information that will help shape the judicial education offerings for that state. However, the bulk of the responsibilities for the

administration of the judicial education organization and the planning and development of programming is executed by judicial education organization directors and staff. In the findings chapter, the responsibilities of the judicial education directors demonstrate the depth and breadth of the work that is done by judicial education organizations.

Programming Information

Even though the judicial education organizations are small, they generate a great deal of programming for judges and court personnel. From 1990 to the present, the JERITT Project has received programming information from judicial education organizations that total approximately 7,200 programs. The number of program subject matters and topical entries since 1990 include the following:

Table 1. Subject Matter Reported to the JERITT Project From 1990 to the Present

Subject Matter	Frequency	Percent
Miscellaneous*	22,185	30
Organizational management	9,800	13
Juvenile	5,073	7
Domestic relations	4,094	6
Social science & the humanities	3,909	5
Criminal procedure	3,728	5
Crimes & offenses	3,619	5
Evidence	3,060	4
Civil law & procedure	2,882	4
Substantive law	2,711	4
Communication skills	2,156	3
Personnel management	2,107	3
Discipline & ethics	2,016	3
Sentencing	1,770	2
Settlements	1,572	2
Probation & parole	1,171	2
Jury	1,081	1
Probate	955	1

*Miscellaneous includes 45 topical areas, which do not directly relate to other subject matter categories; thus, making it the largest subject matter category.

The topics included within each subject matter category are as follows:

Civil Law & Procedure

General	Fines/assessments	Opening/closing statements
Class action	Forfeitures	Personal injury
Complex litigation	Fraud	Pretrial
Creditor/debtor	Landlord/tenant	Products liability
Damages	Law/motions	Small claims
Discovery	Legal updates	Torts
Enforcement orders/judgments	Medical	Other

Communication Skills

General	Interviewing skills	Oral communication
Assertiveness training	Legal/opinion writing	People under stress
Attorneys	Legal terms	Written communication
Interpreting	Nonverbal	Other

Crimes & Offenses

General	Fraud	Property offenses
Capital cases	Homicide	Robbery
Diminished capacity	Legal updates	Sexual assault
DUI/DWI	Media	Traffic offenses
Drug cases	Misdemeanors	White collar crime
Forfeiture	Obscenity/pornography	Other

Criminal Procedure

General	Legal updates	Rules of criminal procedure
Arraignments/initial appearances	Motions	Search and seizure
Bail/bond	Opening/closing statements	Speedy trial
Consolidation/severance	Plea agreements	Summons
Constitutional rights	Pleadings	Time limits
Criminal complaints	Post conviction	Warrants processing
Discovery	Pretrial proceedings	Other
Habeas corpus	Prisoner rights	

Discipline & Ethics

General	Judicial	Other
Attorneys	Staff	

Domestic Relations

General	Dysfunctional families	Paternity
Alimony	Enforcement of orders	Property rights
Annulment	Judgments	Settlement/conciliation/mediation
Child custody	Jurisdiction/venue	Stress management
Child support	Legal updates	Tax implications
Child witnesses	Modifiability of orders	Visitation
Dissolution/divorce	Orders	Other
Domestic violence		

Subject Matter Category Topics (con't)

Evidence

General	Depositions	Parole
Admissions	Documentary	Physical
Best evidence	Expert opinions	Presumptions
Burden of proof	Foundation	Prior bad acts
Character/habit/custom	Hearsay	Privilege
Competency	Impeachment	Relevancy
Confessions	Judicial notice	Scientific
Cross examination	Lay opinion	Weight/sufficiency
Declarations	Objections	Witnesses
Demonstrative	Opinion (general)	Other

Jury

General	Joint trials	Publicity cases
Absent jurors	Juror needs	Selection
Civil jury instructions	Juror questions	Summoning
Criminal jury instructions	Jury management	Voir dire
Deliberations	Orientation	Other
Guilty pleas		

Juvenile/Children

General	Family counseling	Protective proceedings
Adoption	Guardian ad litem	Restitution
Child abuse/neglect	Homeless	School issues
Child development	Interviewing	Self esteem
Child sexual abuse	Juvenile sex offender	Sentencing
Child welfare	Legal update	Status offenders
Civil liability	Mediation training	Substance abuse
Confidentiality	Minority children	Transfer hearings
Delinquency proceeding	Parental rights	Victim/witness
Detention	Permanency plan	Violent juveniles
Disorders/disabilities	Placement	Other
Dispositional treatment alternatives	Probation	

Organizational Management

General	Interpersonal relations	Program evaluations
Accounting/bookkeeping	Leadership	Project management
Budgeting	Managing conflict	Records management
Case/delay management	Managing diversity	Stress management
Community/media relations	Managing information systems	Team building
Computers	Organizational change/	Technology
Court security	development	Time management
Delegation	Planning program/action	Trial management
Disruptive behavior (courtroom)	Planning/strategic	Other
Goals/missions	Problem diagnosis/solving	

Subject Matter Category Topics (con't)

Personnel Management

General	Job descriptions	Retirement
Career development	Labor relations	Sexual harassment
Discipline	Motivation	Supervision
EEO/AA	Orientation	Termination
Fair Labor Standards Act	Performance management/ appraisal	Training
Grievance proceedings	Personnel records	Unions
Hiring	Recruitment	Wellness
Interpersonal relationships		Other
Interviewing		

Probate

General	Fiduciary responsibility	Inheritance tax
Attorneys fees	Guardian ad litem	Legislation/legal updates
Commitments	Guardianship proceedings	Mental health proceedings
Conservatorships	Incompetency	Other
Estates		

Probation & Parole

General	High risk offenders	Revocation of parole
Behavior control	Intensive probation	Revocation of probation
Case classification	Interviewing skills	Supervision/monitoring
Community resources	Liability issues	Terms of probation
Deception indicators (nonverbal)	Parole eligibility/release	Testifying in court
Electronic monitoring	Presentence investigation/report	Violation
Hearing procedure	Probation alternatives	Other

Sentencing

General	Habitual offenders	Restitution
Aggravation/mitigation	Misdemeanants	Sentencing alternatives
Community service	Offender profiles	Sentencing guidelines/law
Death penalty	Presentencing hearings	Other
Felony	Procedure	

Settlements

General	Complex cases	Mediation
Alternative dispute resolution	Dispute resolution techniques	Structured settlements
Arbitration	Judicial intervention issues	Other

Social & Humanities

General	Counseling techniques	Literature
Abortion	Disability issues	Mental health
Aging	Diversity	Social services
AIDS/communicable diseases	Ethics/values	Suicide
Bias	Indigence/poverty	Victim/witness
Community resources	Jurisprudence/philosophy	Other

Subject Matter Category Topics (con't)

Substantive Law

General	Corporate	Securities
Administrative	Employment	Taxation
Bankruptcy	Environmental	Tribal
Commercial	Insurance	Uniform commercial code
Constitutional	Labor	Workman's compensation
Consumer	Real estate	Other
Contracts	Secured transactions	

Miscellaneous

Appeals procedure	Elections	Magistrates
Attorneys fees	Fact finding	Marriage
Bench trials	Faculty development	Medical information
Bioethics	Female offenders	Municipal courts
Boot camps	First aid	Orientation
Clerks	Gangs	Prisons/prisoners
Commitment	Immunity/liability	Privatization
Comparative judicial	Indemnity	Pro per/pro se
Computer	Judicial discretion	Statutory construction
Contempt	Judicial education	Stress management
Court reporting/recording	Jurisdiction/venue	Substance abuse
Courtroom management/control	Legal research	Trends/future
Cults/satanism	Legal updates	Videotape
Decision making	Legislation/statutes	Volunteers
Demeanor	Lineups	Other
Disqualification/recusal		

Judicial education programming is delivered to many audience types: judges and justices, quasi-judicial officers, court administrators/clerks, court support/technical personnel, probation officers, juvenile court personnel, judicial law clerks, related criminal justice personnel, and noncourt personnel. Table 2 provides information on the number of times the audiences were targeted for programming from 1990 until present.

Table 2. Target Audience Reported to the JERITT Project From 1990 to the Present

Audience	Frequency	Percent
Judges and justices		
General jurisdiction judge	2,555	9
Limited jurisdiction judge	2,141	8
Juvenile judge	1,448	5
Family judge	1,416	5
Chief or presiding judge	1,349	5
Intermediate appellate judge	1,043	4
Probate judge	980	4
Administrative judge	946	3

Table 2. Target Audience Reported to the JERITT Project From 1990 to the Present
(con't)

Audience	Frequency	Percent
Supreme court justice	944	3
Chief justice	846	3
Quasi-judicial officers		
Magistrate	1,096	4
Part-time judge	683	2
Referee	632	2
Nonlaw-trained judge	601	2
Justice of the peace	428	2
Court administrators/clerks		
Clerk of court	1,335	5
Court administrator	1,287	5
Other administrator	890	3
Deputy administrator	830	3
Court support/technical personnel		
Clerical/secretarial	657	2
Reporter/recorder	286	1
Probation officers		
Probation officer	612	2
Chief probation officer	479	2
Juvenile court personnel		
Juvenile court officer	432	1
Judicial law clerks		
Law clerk	175	1
Related criminal justice personnel		
Prosecutor	238	1
Public defender	198	1
Law enforcement personnel	169	1
Corrections personnel	123	1
Noncourt personnel		
Other	1,127	4
Social services personnel	138	1
State executive personnel	67	1
County executive personnel	65	1
State legislative personnel	54	1
General public	47	1
Press	46	1
County legislative personnel	42	1

Judicial education programs are offered utilizing a variety of methods. The most often used methods are: lecture, discussion, question and answer, and written materials in the form of notebooks or manuals.

The subject matter is taught by a variety of faculty member types. The breakdown is as follows: attorney, judge, judicial educator, state court administration staff, trial court administrator, other court personnel, university faculty, and private consultant.

The programming provided by judicial education organizations is vast and diverse. With the increasing complexities confronting the contemporary court system, judicial education will have to provide education and training to prepare judges and court personnel to meet these complexities, thus pushing judicial education to new frontiers in both volume and substance.

Description of NASJE

The NASJE is the professional association that represents the interest of state judicial branch education and the occupation of the judicial educator. The first meeting of state judicial educators took place in 1973, when six individuals met. From that meeting, NASJE was formed. The information about the structure of NASJE is set forth in its constitution and bylaws (revised October 1998).

Purpose of NASJE

Article I, Section 4, indicates the purpose of NASJE: (a.) improve the quality of judicial education through the development and implementation of professional standards, (b.) promote research and development in the field of judicial education, (c.) provide a forum for the development of progressive theories of judicial education, (d.) increase the awareness and utilization of adult education concepts and techniques, (e.) establish a mechanism for the exchange of judicial education information, (f.) cooperate with other organizations in the field of judicial and justice system education, (g.) promote and represent the interest of the state and local judicial education programs, and (h.) meet the changing needs of the members (NASJE 1998).

NASJE Board Structure

The NASJE Board of Directors is elected by the full and associate members (see description on page 10) and consists of the president, president-elect, vice president, secretary, treasurer, four regional directors, and the immediate past president. The president, president-elect, and vice president serve one-year terms, with automatic succession from vice-president to president-elect to president. The secretary and treasurer serve two-year terms. The immediate past president serves a one-year term as a nonvoting member. The regional directors serve two-year terms, and their terms are staggered. The regions are as

follows: Northeastern: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; Southeastern: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands, Virginia, and West Virginia; Midwestern: Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin; and Western: Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The board of directors, terms of office, and regional designations are specified in Article III, Sections 1, 2, 3, and 4.

NASJE Committees

Under Article VI, Section 1, the association has four standing committees: membership committee, standards committee, diversity committee, and education committee. Other committees may be established as deemed necessary.

NASJE Membership

NASJE has four membership designations: full, general, associate, and leadership section. NASJE membership is defined in Article II, Sections 2, 3, 4, and 5, as follows:

Full: (a.) Any full-time administrator or director of a statewide or local nonprofit program of education whose primary duties include the education and training of judges and/or court support personnel; or (b.) Any assistant administrator, assistant director, or staff member who is employed by a statewide or local, nonprofit program of education whose primary duties include the education and training of judges and/or court personnel. Each full member in good standing shall be entitled to one vote in affairs of the Association.

Associate: Any person who meets the eligibility requirements for a full membership, but who chooses designation as an associate member. An associate member may attend meetings, serve on committees and participate in discussions at meetings. An associate member may not hold office in the Association. Each associate member in good standing shall be entitled to one vote in the affairs of the Association.

General: Any person involved with or interested in judicial education who is not eligible for full or associate membership is eligible for general membership in the Association.

Leadership Section: This section was created in 1997 for judicial branch leaders who serve on education committees, and policy and governance boards, but who are not employed full-time in the education and training of judges.
(NASJE 1998)

Projects and Services of NASJE

NASJE provides its membership with several benefits through its projects and services. The biggest benefit is its annual conference, which is developed by the standing committee on education. NASJE has had an annual conference since its inception. At the annual conference it addresses issues, concerns, and new developments in court system education and training.

Five other on-going services are provided to the NASJE membership, four of which have been funded in full or part by SJI. They are the *Principles and Standards of Continuing Judicial Education* (1991), the *NASJE NEWS*, the JERITT Project, and the new judicial educator mentoring program. The fifth service, the annual Leadership Convocation, is provided to all NASJE members with a special emphasis on meeting section member needs.

The NASJE Standards Committee developed the *Principles and Standards of Continuing Judicial Education*, published in 1991. The principles and standards were not established for the occupation of judicial education, but rather were established to guide judge education. The principles and standards are organized under the following six principles with corresponding standards enumerated for each:

Principle I: The Need for Continuing Judicial Education

- Standard 1.1 Responsibility
- Standard 1.2 Availability
- Standard 1.3 Integral Part of Judicial Duties
- Standard 1.4 Educational Leave

Principle II: Organization and Resources

- Standard 2.1 Mission Statement
- Standard 2.2 Staff
- Standard 2.3 Staff Development
- Standard 2.4 Advisory Committee
- Standard 2.5 Fairness
- Standard 2.6 Adequate Resources

Principle III: Education to Meet Career Needs of Judges

- Standard 3.1 Orientation
- Standard 3.2 Continuing Education
- Standard 3.3 Curricula
- Standard 3.4 Regional and National Education

Principle IV: Use of Adult Education Methods

- Standard 4.1 Needs Assessment
- Standard 4.2 Learning Objectives
- Standard 4.3 Learning Activities
- Standard 4.4 Learning Environment
- Standard 4.5 Evaluation

Principle V: Faculty

- Standard 5.1 Qualifications
- Standard 5.2 Selection and Development
- Standard 5.3 Educational Leave

Principle VI: Resource Materials

- Standard 6.1 Written Materials
- Standard 6.2 Program Materials
- Standard 6.3 Lending Library

NASJE News is a quarterly publication devoted to the advancement of judicial education. It contains articles pertaining to the activity of judicial education in the United States and the emergence of judicial education in other countries. The publication also profiles judicial educators and/or judicial education organizations. *NASJE News* publications may be found at <http://www.nasje.org>.

The JERITT Project is co-sponsored by NASJE and the School of Criminal Justice at Michigan State University. It is the only national clearinghouse on judicial education information, publications, and references. It maintains four databases pertaining to the people, organizations, activities, and programs in judicial education. The JERITT Project issues approximately 10 to 15 publications annually dedicated to expanding the knowledge-base of judicial education.

The NASJE mentoring program was established in 1995 to assist new judicial educators through sponsorship by an experienced judicial educator. The formal mentoring period is one year and takes place primarily over the telephone or through electronic means.

The first annual Leadership Convocation was held in conjunction with NASJE's annual conference in 1997. The purpose of the convocation is to give Leadership Section members and other judicial branch education leaders opportunities: to network with one

another and NASJE members on an annual basis; to share ideas and innovations; and to receive formal instruction in judicial branch education theory and practice.

Gaps Between What Is Known and Not Known About Judicial Education

What is known about judicial education encompasses the structures, processes, and products of judicial education. That information is fairly extensive. However, several aspects of judicial education are not known. First, there has been no formalized comprehensive information collection on the value of judicial education as perceived and/or measured by those who receive it; those who interact in the state court systems, whether they be employees, litigants, defendants, prosecutors, defense attorneys, jurors, or court users; the general public; and other public figures and officials. Second, there is no information about what state judicial educators value about their work. Third, there is no information about the emergence and growth of judicial education as a contemporary occupation. If more were known about these issues, the status of judicial education and the progress it has made toward achieving professional recognition could likely be determined.

Reasons for This Study

Studying the occupation of judicial education provides a unique opportunity in several respects. First, the occupation is young—the field of judicial education emerged in the mid 1970s (Hudzik 1995). Consequently, this is an opportunity to investigate a new occupation as it struggles to establish itself and achieve professional status. Second, the timing of this study is important. Although the occupation of judicial education is fairly young, the people in it are not. Many judicial educators came to this occupation after having other careers (Conner 1996). Consequently, those individuals who founded judicial education are quickly approaching retirement; in fact, some of the founding members have already retired. By conducting this study now, I can capture the thoughts of both newcomers and founders. Third, I am aware of no other research that has studied status among judicial educators or any other state court system occupational group.

Statement of the Problem

Occupational status is important if practitioners are to control the expert-client relationship, secure the jurisdictional boundaries of the occupation from invasion by another occupation, and convince the public that the occupation can be trusted to apply its superior knowledge and special skills to solving human problems (Abbott 1988). In sum, status confers authority, control, and positive recognition.

In the case of judicial education, no previous research has been conducted that has established the extent to which judicial education has acquired professional status. This study strives to explain more fully what is involved in the day-to-day functions of judicial education by asking judicial educators to describe what they do in their jobs. The intention is to determine what the work is and where the boundaries of this occupation rest. The answer to this question may well determine how weak or strong the boundaries of judicial education are and whether the boundaries can withstand an attack should one be initiated. Therefore, this study addresses four problems related to professional status:

Problem 1: Define the work of judicial education.

Problem 2: Determine what judicial educator's value about their work and the extent to which they find value in their work.

Problem 3: Determine what others value about judicial educators' work and the extent to which they value judicial education. The others include significant others/partners, friends, organizational peers, supervisors, judicial-educator colleagues, education and training audiences/client groups, state legislators, and the public.

Problem 4: Determine the extent to which judicial education has achieved professional status and ascertain the primary strengths of and obstacles faced by judicial education as it strives for professional status.

Research Questions

Eight research questions were formulated to address the aforementioned problems. They are as follows:

Research Question 1: What is the Work of Judicial Educators?

Discussion: This question sought to describe the work of judicial education as it is executed by judicial educators. It will provide a functional description of the work.

Research Question 2: What Do Judicial Educators Value About Their Work?

Discussion: This question sought to find out what judicial educators perceived as valuable about the work they do. It also sought to build a list of

factors that conferred status on or took status away from individual judicial educators.

Research Question 3: What Do Judicial Educators Perceive That Others Value About Their Work?

Discussion: This question sought to determine what significant others/partners, friends, organizational peers, supervisors, judicial-educator colleagues, education and training audiences/client groups, state legislators, and the public think is valuable about judicial education. It also seeks to build a list of factors that confer status on or take status away from individual judicial educators.

Research Question 4: What are the Differences and/or Similarities Between What Judicial Educators Value, and What Others Value About Judicial Education Work?

Discussion: This question sought to determine whether there is any difference between what judicial educators and others value about the judicial education work. This question also seeks to determine whether the gender, educational background, and experience of the judicial educator make a difference in how their work is valued by others.

Research Question 5: What are the Differences and/or Similarities Between Judicial Educators with Regard to Their Perceptions About What is Valuable in Their Work, and What Accounts for These Differences and/or Similarities?

Discussion: This question sought to discover whether certain factors like gender, educational background, length of service, organizational placement of the judicial education operation, and composition of the client groups make a difference in what is valued.

Research Question 6: Do Judicial Educators Believe That the Value Attributed to Judicial Education Has Changed Over the Past Ten Years (1986), and Do They Think It Will Change Over the Next Ten Years (2006)?

Discussion: This question sought to discover whether judicial educators perceive that the value of judicial education is different now from what it was in 1986, and whether they perceive its value will be different in 2006.

Research Question 7: What are the Elements that Judicial Educators Perceived Made a Profession, and How Many of the Elements of Professional Status Does Judicial Education Possess?

Discussion: This question sought to determine the extent to which judicial education has achieved professional standing. It also seeks to consider common aspects of professional status and whether those aspects are present in or absent from the occupation of judicial education.

Research Question 8: What are the Strengths of and Obstacles Faced by Judicial Education as it Strives to Achieve Professional Standing?

Discussion: This question sought to illuminate the process that an emerging occupation goes through when it is seeking to achieve professional standing. In particular, it seeks to identify what may facilitate or impede judicial education's obtaining professional standing.

Research Design

In this study, I used qualitative research methods. During July and August 1996, I held telephone interviews with all 50 state judicial educators. Each interview lasted approximately one and one-half hours. The interview questions were primarily open-ended, but some close-ended questions also were used. The respondents were encouraged to speak freely about the issues. I used an interview guide, which ensured that the same questions were posed to each judicial educator. However, if a judicial educator declined to answer a certain question, I simply proceeded to the next question.

Each response was coded. As similarities and differences appeared, I refined the coding until I arrived at the descriptors that appear in the text, tables, and figures throughout this monograph. The descriptors allowed me to describe what is involved in the work of judicial education, identify what is valued about judicial education, and determine which status indicators are present or absent.

Last, through the results, I will determine whether judicial education more closely resembles the traditional service model (Carr-Saunders and Wilson 1933; Marshall 1939; Parsons 1939; Naegle 1956; Goode 1957; Braude 1961) or the Marxist model of client dominance through structural power and control (Berlant 1975; Larson 1977).

Position of the Researcher

I am a known investigator to this population. Being known has both positive and negatives consequences. These consequences are discussed in the introduction and again in Chapter Three. So that the reader is familiar with my background, I offer it here.

I have worked in the field of judicial education since 1984. I started as an administrator of judicial education for the Michigan Judicial Institute, the training and education arm of the Michigan Supreme Court. I held that position from 1984 until 1988. From 1988 through 1991, I was the director of judicial branch education for the Illinois Supreme Court, Administrative Office of the Court. From 1991 through 1996, I was senior associate and later director of the JERITT Project. During 1997, I was a president of a corporation that owned and operated a retreat center for corporate executives. In 1998, I returned to the JERITT Project as its executive director. Since 1988, I have worked as a consultant on judicial education projects and programs.

I became a member of NASJE in 1988. I have held several positions in NASJE: chair of the conference education committee for six years, mentor for new judicial educators for two years, and member of the education committee for one year.

Through NASJE and the JERITT Project, I have directed or been involved in three written surveys of this population. I conducted telephone interviews with judicial educators on two other occasions before this research.

I have authored or co-authored many monographs, articles, and chapters in publications on judicial education. Additionally, I have written several unpublished reports related to needs assessments and evaluations of judicial education programs and projects.

There are several benefits to being a known investigator. First, I obtained 100 percent participation. Second, the terms that the respondents and I used were mutually understood; because we shared the same occupational language. This is an important factor in research, as the following statement indicates: "The use of language and specific terms is very important for creating a 'sharedness of meanings' in which both interviewer and respondent understand the contextual nature of the interview" (Miller and Crabtree 1994:371). Therefore, language and terms were not a problem during the interviews. In addition, because of the open interview format, judicial educators had the opportunity to talk freely. This type of interviewing usually increases rapport and allows for the collection of tacit knowledge (Miller and Crabtree 1994). This is the third benefit to being a known investigator—obtaining information not typically available to outside investigators using more rigid data-collection methods.

Being a known investigator also has limitations. Lofland and Lofland (1995) indicated that when qualitative studies are undertaken by a known investigator, the problems

are strategic rather than ethical, even though the self and other are entangled (Fine 1994). Roth (1970) explained the strategic issues this way: (1) researchers do not always know everything that they are after, so they continue to structure the study as they go along; (2) researchers do not want the subjects' behaviors to be influenced by what the researchers are interested in; and (3) even if the subjects have been given a detailed explanation of the purpose and procedure of the study, the subjects will not understand it in the same way that the researcher does. Therefore, even though the researcher is known, the research is not necessarily fully known. Consequently, there is a degree of distance or secrecy that disallows prejudgment of answers, either when they are given by the respondent or when they are received by the researcher (Lofland and Lofland 1995).

Qualitative studies allow the data to emerge freely, which likely reduces the tendency to prejudge what emerges. Conducting structured interviews using a close-ended survey would have presumed that I knew how the interviewees would respond. I chose not to make that presumption. I wanted to hear from them in their own words. For this reason, I chose to employ qualitative research methods. I wanted to guard against using my knowledge in place of the respondents'. Also, I wanted to disavow the respondents of any notion that I was looking for a particular response. This approach was different from past survey or interview experiences that the judicial educators and I had shared. In the past, I queried them about structural or functional aspects of judicial education. Usually, the response options were close ended. The questions had not required them to think about their personal attachments to their work. I had primarily collected data to describe the work. By changing my approach, I hoped to further disassociate the respondents from past experiences with me as the investigator. And, last, I hoped to create an environment that would encourage them to speak from their hearts and not just from their heads. The nature of these interviews was primarily personal, which required long and intimate unstructured conversations about values, meanings, commitments, struggles, failures, and successes. The interview process also required vulnerability on both of our parts.

Although the arguments between positivist and postpositivist researchers often focus on the position of the researcher, the researcher presents a unique self that claims some authority over the subject matter; and the rules of this presentation are no longer clear (Denzin 1994). Consequently, I have articulated my known investigator status here, explained what I did to neutralize any negative effect of that status, and leave it to others to evaluate.

Overview

In addition to this introductory chapter, the monograph contains four other chapters. Chapter One contains the literature review, which focuses on the two dominant models of professions and the role of status in the professions. Chapter 2 contains a description of the methods used in this study. Described are the interview instrument and format, the interview

environment, the interview questions and revisions to the questions, and the data-analysis methods. The findings are reported in Chapter Three. Chapter Four includes a discussion of the findings, as well as conclusions and recommendations. There are several appendices, all of which describe the terms used in this study as they evolved through the interviews and the data analysis coding process. Many of the terms are accompanied by interviewee quotes. The information contained in appendices A through L enrich the findings of this study, and should be read by those who take a serious interest in the thoughts, feelings, and opinions of judicial educators as each relates to this emerging occupation.

CHAPTER ONE

A Review of the Two Dominant Approaches and Models in the Study of Professions

Chapter One contains a focused review of the literature, addressing the key features of the functional-structural approach and the Marxian market-control approach to the analysis of professions. These are the two major approaches that dominate the literature. The functional-structural approach, which was in use before 1960, focuses on defining professions and identifying universal characteristics and traits of professional work. The foundation for this early work was based on the archetype professions of law and medicine. The functional-structural approach also studies the paths that occupations take as they become professionalized. The findings of the early studies continue to be used to evaluate whether emerging occupations warrant professional status and whether status can be maintained if granted. Characteristics and traits set forth in the functional-structural approach continue to be valid and are also part of the market-control approach.

The market-control approach is a critical analysis of the professions. It is based in Marxist theory and analysis. This approach takes the characteristics of professions and situates them within market forces to determine the extent to which clients are dominated and controlled by the professions. The market-control approach to studying the professions began in the 1960s and continues to this day.

Each approach gave birth to a model. The functional-structural approach resulted in the traditional-service model of professions, which focuses on using expert knowledge in service of a higher good. Thus, at its center is a service ideal. The market-control approach resulted in the power-control model, which focuses on using expert knowledge for client dominance. In both models, the professions enjoy status, prestige, increased earning potential, and varying levels of autonomy, power, and control.

These approaches and models are reviewed in Chapter One, because this study was undertaken to discover how the emerging occupation of judicial education claims professional status. In addition, an attempt is made to determine whether judicial education more closely matches the traditional-service model or the Marxian power-control model.

Historical Summary

Professions originated in the nineteenth century as a new form of occupation: the merging of apothecaries with surgeons and physicians; the rise of the legal profession; and

the advent of surveyors, architects, and accountants signaled that a new age was dawning (Abbott 1988). The rise of professions in both England and the United States paralleled the rise of capitalism as it needed both laborers and schooled experts to grow and survive (Larson 1977). Over the years, professions and professionalization have been studied using a variety of approaches. The functional approach addresses the characteristics present in the expert-client relationship that allow the expert to maintain control over the client. Habenstein (1995) referred to this as a constellation of characteristics.

Although this approach has great currency, it also has great variability; because the items vary, as does their emphasis, based on who is conducting the research (Habenstein 1995). Some of the most well-known items are altruism, service, possession and application of abstract knowledge, jurisdictional claim, autonomy, ethics codes, licenses, control over work, perceived status in the community, elite clientele, public trust, and collegial affiliation. Carr-Saunders and Wilson (1933), Marshall (1939), Parsons (1939), Naegle (1956), Goode (1957), and Braude (1961) identified these items and made major contributions to the functionalist school. At the time, the functionalists were trying to determine what means professions used to ensure clients' trust in and compliance with their expert service. The most interesting thing to note about this early research is that the characteristics have become foundational and remain relatively intact even to this day (Abbott 1988).

The structuralist approach is similar to the functionalist approach. It looks at the steps occupations have taken on the road to professionalization. The difference between the two approaches is that the functionalists look at control in the expert-client relationship; whereas the structuralists look at and try to explain the differences in the professionalization process. The locus of analysis for the functionalists is at the individual level. The structuralists take a societal approach in which the structural guarantees of control can be won or lost. Examples of the structural approach are found in Abbott (1988), Wilensky (1964), Caplow (1954), and Millerson (1964).

Habenstein (1995) combined the two approaches into the functional-structural approach, which he concluded had the following elements: (1) the professional develops and applies abstract knowledge and technical expertise to solving problems; (2) the client has to trust the professional, and the professional has to respect the client; (3) it is assumed that the image of the system fits reality; (4) function can be inferred from structure; (5) objectifiable aspects of action are significant for understanding and predicting behavior; and (6) certain forms of social organization are critical to the operation and survival of society.

The new political climate of the 1960s reshaped the study of professions from dispensing expert service for the purpose of curing social problems to amassing dominance and control over atomized clients (Abbott 1988). In this approach, professions are viewed as economic monopolies whose sole goal is to gain intellectual and organizational dominion over social problems. Monopoly theorists like Berlant (1975) and Larson (1977) looked at how professions organize themselves to gain market control for their expertise. Monopolists

focus on how professions work to become exclusionary so that they can increase power, control, and status.

The last approach combines the monopoly theory of ensuring upward mobility with the need to protect other professionals from rigid employment conditions resulting from capitalism. This is referred to as the cultural approach and was set forth by Bledstein (1976) and Haskell (1984). According to this approach, the professions seek to do good while simultaneously trying to obtain structural support that will result in power, status, and money.

Regardless of the differences among theorists, there are relative consistencies in their views of what makes a profession. Their opinion is that a profession is an occupational group with special skill; usually the skill is abstract, requiring extensive training; the skill is not applied in a routine way, but is constantly revised as needed; and a profession is exclusive and strives for power and control (Abbott, 1988). The mechanisms of achieving power, control, and exclusion may differ in form and effect, but all seem to be the hallmarks of the professions. Whether the control and exclusion are motivated by altruism, a service ethic, money, or status does not change the fact that professions seem to remain viable only when they can hold their own or expand.

The Importance of Studying Professions

What makes the study of professions important is that professional practitioners affect so much of contemporary society in advanced capitalism. At an individual level, professionals are called upon to apply their expert knowledge to everyday decisions that have the potential to affect the length and quality of life. These same professionals, using their specialized knowledge, also shape and/or control both private and public institutions that determine social and economic structures.

Because of their knowledge and strategic importance, professionals are often beneficiaries of high levels of individual and societal trust. The professions depend upon a kind of social compact of reciprocal trust and good faith between the practitioners and the public they serve, which is why malfeasance on the part of professionals can excite moral outrage (Sullivan 1995).

The codependency between lay people and professions will continue as advanced capitalism relies heavily on technological and scientific experts' knowledge in the economic arena; such experts handle the complicated institutional machinery that was developed to cope with a technical environment (Mills 1951). In both perception and reality, the old professional middle class had less influence. They were small working units that managed themselves and were influenced by market conditions (Mills 1951). The new professional middle class work in large institutions and often set market conditions (Mills 1951). The

capacity new professions have to shape individual life and societal structures is enormous; thus, professions should not be considered neither benign nor unworthy of rigorous study.

Two Approaches to Studying the Professions: An Overview

The two major scholarly approaches to the study of professions are functional-structural and Marxian market-control. The functional-structural approach, from post-World War II until the 1960s, attempted to create a positive concept of professions and is preoccupied with debating traits, attributes, and characteristics (Freidson 1984). During that time, there was a preoccupation with definition, which sought to separate professions from all other occupations and provide them with honorific labels. Scholars from the 1940s and 1950s stressed complex knowledge, skill, and high ethical standards, which justified the institutional forms and the high-prestige characteristic of professional work (Freidson 1984).

During the 1960s, a shift in conceptualization resulted in viewing professions with disapproval. The focus was on their failures rather than their virtues. More attention was paid to the social and economic costs of professional privilege. This new conceptualization emphasized unusually effective protective institutional forms, knowledge, skill, and ethical orientation, not as objective characteristics but as an ideology that allowed professions to gain and preserve status and prestige (Freidson 1984).

Conceptualizing professions in this way implies either implicitly or explicitly that expert knowledge will supersede other formally dominant factors of power. Larson (1984) argued that expertise increasingly provides a base for attaining and exercising power by the people who claim the expert knowledge. Larson further indicated that the reason this issue is so important is that experts enjoy great autonomy in advanced capitalistic societies. And, in advanced capitalism, social conflict does not take place between capitalists and industrial workers; rather, conflict occurs between capitalists and their highly professionalized employees, whom they cannot afford to antagonize. The Marxian market-control approach turns the positive attributes of professions emanating from the functional-structural approach into powerful and potentially dangerous forces that can change the balance of power.

Although there are variations in these two approaches, as explained in the historical summary, it is the functional-structural and power-control approaches that define much of the scholarly debate involving professions. There is little common ground between the two except for the agreed-upon characteristics of professional work already articulated. This lack of common ground influences the research in and dialogue on professions. Freidson (1984) summarized the study of professions this way: "I think it is fair to say that scholarship concerned with the professions is in intellectual shambles. In the United States there is little broad consensus on the mode of discourse that was present among sociologists before the 1960s" (p. 5). However, Freidson pointed out that "No matter the writer, all agree the hallmarks of professions are: full-time specialists, knowledge and skill called expertise,

credentials with formal training, and a small portion of credentialed occupations are self-governing or autonomous" (p. 10). Freidson went on to rank order the professional hallmarks from most to least important: expertise, credentialism, and autonomy.

Two Competing Models of the Professions

The two predominant models of the professions are the traditional-service model and the power-control model. Each model is discussed in the following pages.

Traditional-Service Model

The traditional-service model is a product of the functional-structural approach. At its core is the service ideal. Roscoe Pound (1949) referred to this service ideal as a calling expressed through the practice of a learned art in public service. This gives professionals an air of mystery and a quality of the sacred as they apply their knowledge in nonmundane ways (Jackson 1970). Although others agree that the service ideal is key to professions, they also insist that there is no reason to believe that professionals are more interested in humanity than others; but rather that their occupational niche is defined by social concerns (Jackson 1970). Regardless of whether service is held as an individual value or defines the occupation, it is the cornerstone of this model.

In the service model, the application of abstract, specialized knowledge to solving human problems is accompanied by the necessary autonomy to apply knowledge that results in elevated status, prestige, increased earning potential, client trust, and entry into a distinctive occupation with normative and behavioral expectations. This means that professional practitioners can diagnose problems and treat clients based on their competency, judgment, and authority (Moore 1970). Inherent in the service model are the lengthy training required to join the profession, the willingness to become part of and adhere to a professional collective, the willingness to work long hours in client service, the commitment to norms and standards, and the necessity to identify strongly with and feel loyalty for professional peers (Moore 1970).

Critics of the service model point out that loyalty to peers, commitment to standardized norms and practices, and working long hours are more consistent with greed and self-preservation than they are with effective client service (Moore 1970). Professions function in a commercial society where their skills are marketed; therefore, this factor and its effect on the service ideal cannot be disregarded. As stated before, solo professional practitioners are being replaced by bureaucratic organizations that operate on the profit motive and support the service ideal and high standards only if each generates huge revenues. This reality creates a potential conflict in individuals and professions if they desire to put service over money. It also provides a reason to give the power-control model more than a passing

nod. Previously, labor market analysis focused on exploited laborers in rapidly expanding, highly technological information and service economies. However, in advanced capitalism, it is professional work that runs the organizational machinery that must be controlled and marketed if it is to serve the profit motive. Consequently, the labor market puts pressure on professionals to be competitive and to value profit over excellence (Sullivan 1995).

Nonetheless, the lure of professional work has long been associated with two things. First is the desire to do meaningful work that has public value. Second is the goal to earn a living that has the potential for achieving upward mobility and recognition. Sullivan (1995) articulated this as follows:

The continuing appeal of professionalism shows that it articulates a hunger for something which is often missing or suppressed in work. That something is a sense of engagement, through one's work, with shared purposes which give point and value to individual effort. These purposes—dignity, justice, fellowship—make possible a civil and meaningful public realm. They are the promise of professionalism. They are also the goods which engaged professionals...have in abundance. But these are not goods which individuals can possess or enjoy alone, or even achieve entirely by their own efforts. We can see these as the goods of self-discovery and purpose, even a satisfying kind of self-fulfillment, though this self-fulfillment is not what often goes by that name. It comes, almost paradoxically, through a kind of transcendence and change of self, gaining a wider sense of identity through engagement with technical excellence while taking responsibility for shared ends. (pp. 15-16)

The Power-Control Model

The power-control model is a Marxian approach that strives to show that the professions are not interested in service, but rather they are interested in client dominance. In this model, the same characteristics of professions are present; but their interpretation is very different. Larson (1977) described the attributes in the following way:

The list of specific attributes which compose the ideal-type of profession may vary, but there is substantial agreement about its general dimensions. The cognitive dimension is centered on the body of knowledge and techniques which the professionals apply in their work, and on the training necessary to master such knowledge and skills; the normative dimension covers the service orientation of professionals, and their distinctive ethics, which justify the privilege of self-regulation granted them by society; the evaluative dimension implicitly compares professions to other occupations, underscoring the professions' singular characteristics of autonomy and prestige. The distinctiveness of the professions appears to be founded on the combination of these

general dimensions. These uncommon occupations tend to become real communities, whose members share a relatively permanent affiliation, an identity, personal commitment, specific interests, and general loyalties. (p. x)

In Larson's (1977) analysis, these sociological ideal types and the self-preservation of professions imply that they are independent from or neutral in class structure. However, Larson believed that professionals are a class in and of themselves, bound together by education, given the seal of traditional intellectuality, and situated with the power elite. This is an important distinction, because when professions are defined this way they attain market power just as other elite classes before them have done. Often these professionals are referred to as the new class, which is motivated by money, status, and power (Ehrenreich 1989).

Larson (1977) argued that modern professions are organized around cash, create markets within which they work, and the public pays based on what the professional demands. Therefore, professionals have a monopoly; and they dominate clients through this monopoly.

Several conditions must be present for a professional monopoly to emerge according to Larson (1977):

A Marketed Service: The more salient, the more universal, and the less visible the service, the more favorable the situation is for the profession.

Type of Market: The less competitive the market the more favorable the situation, but the more competitive the market the more the profession is compelled to organize along monopolistic lines. The more independent the market from the capital and goods market, the more favorable the situation is for the profession.

Type of Clientele: The more universal and the less organized the clientele, the more favorable the situation is for the profession.

The Cognitive Basis: The more standardized and better defined the cognitive basis, the more it permits the attainment of visibly good results. The more esoteric the body of knowledge and the more it approaches a new paradigm, the more favorable the situation is for the profession.

The Production of Producers: The more institutionalized its forms, the more standardized the process, and the more it is under the profession's control, the more favorable the situation is for the profession.

The Power Relations: The more independent the professional market is from other markets and the more the state is compelled to protect the public by

eliminating the incompetent professionals, the more favorable the situation is for the profession.

The Affinity with the Dominant Ideology: The more a profession's particular ideology coincides with the dominant ideological structures, the more favorable the situation is for the profession.

The single most important characteristic of professional power is that the profession has the exclusive privilege of defining the content of its knowledge, controlling access to that knowledge, and controlling who practices the knowledge. In the power-control model, unequal distribution of knowledge gives power to those who hold the knowledge (Larson 1997). And that is how professionals dominate clients and can exploit them for individual and group gains.

Status in the Two Models

Since the nineteenth century, having an occupation has been the new way to achieve status; and, in some ways, it has surpassed class as a mechanism to stratify groups (Larson 1977). C. Wright Mills wrote the following about status in his 1951 book entitled, *White Collar*:

Prestige involves at least two persons: one to claim it and another to honor the claim. The bases on which various people raise prestige claims, and the reasons others honor these claims, include property and birth, occupation and education, income and power—in fact almost anything that may invidiously distinguish one person from another. In the status system of a society these claims are organized as rules and expectations which regulate who successfully claims prestige, from whom, in what ways, and on what basis. The level of self-esteem enjoyed by given individuals is more or less set by this status system. (p. 239)

This passage from Mills closely parallels Weber's (1978) assessment of status as a group of people in association who claim a special evaluation of their status and special monopolies on the grounds of their status. Occupational status is claimed on a variety of factors, which follow:

1. Obtaining abstract knowledge through extensive specialized education and training for the purpose of solving human problems (Abbott 1988).

2. Applying abstract knowledge to the problem-solving process of diagnosing, treating, and inferring in a way that is not routine; thus maintaining power and control over problem solving (Abbott 1988).
3. Ensuring autonomy by claiming and holding jurisdiction through means such as obtaining expert knowledge, skilled application of expert knowledge, licensure, ethics codes, statutes, case law, media manipulation, and public relations (Abbott 1988).
4. Serving high-status clients; or not being involved in client service at all, but rather serving other professionals (Abbott 1988).
5. Status of the organization in which the professional works becomes tied to the status the individual professional enjoys. Larson (1977) pointed out that professional prestige is almost equivalent to organizational prestige with the resulting effect being that the elite have a larger stake in the fate of the organization.
6. Connection to the right networks that ensure sponsorship to the top of the organizational hierarchy (Larson 1977).
7. Recognition by peers (Abbott 1988).
8. Increased earning potential (Abbott 1988).

In sum, for status to be important in occupations, the status sources must be known and agreed upon by those who are seeking status and those who are evaluating its existence. Status is present in both the traditional-service model and the power-control model, as the factors that bestow status are accepted as fundamental in both of the models. However, the utility of status is somewhat different depending on the model. In the service model, status is gained through the eight factors just listed; however, it is kept through service. In the power-control model, status is maintained through its contribution to market controls and resulting client dominance.

Because status is present in both models of professions, it is the subject of this study. The purpose is to determine whether the emerging occupation being studied—judicial education—follows the traditional-service model or the power-control model.

The approaches and models described in this chapter will be revisited when the findings are discussed to determine which model judicial education most closely resembles. As Freidson (1984) stated, the study of professions is in shambles. This is an unfortunate situation as our contemporary service and information society is driven by highly specialized

knowledge, which will likely continue to give rise to new professional and occupational groups. Judicial education is a new occupation. Determining placement in either of the existing models is one of the goals of this study. However, the conclusion may be that it fits neither model. Geison (1983) pondered the possibility that the existing models are insufficient for understanding new emerging professions and occupations; therefore, to address the possibility that the results of this study may be left without an intellectual home is within the realm of possibilities. I offer Geison's impressions in closing Chapter One:

There is good reason to suspect that all existing models of professions and professionalization are inadequate to some degree. Whether they conceive of professionalization as the emergence of benign, apolitical, noneconomic homogenous communities of the competent—or whether they see it as a conspiratorial, stratifying, and exploitive process in tune with the needs of capitalism, the existing models are unable to account for the richly diverse forms of distribution of professional groups as we meet them in actual historical experience. (p. 6)

CHAPTER TWO

Research Methods

The methods employed in this study are described in this chapter. First, I explain how the research population was identified and how participation was secured. Second, data collection is discussed. Next, data analysis and the units of analysis are explained. Last, a comparative analysis of the elements of professional status in judicial education and those found in the literature is presented.

The Research Population

A population rather than a sample were used in this study, as described in Chapter One. The designated judicial educators from every state comprised the population. There are 50 state judicial educators. Three states—Idaho, Montana, and Wyoming—have no state judicial educator. Texas has three, each of whom is responsible for three separate judicial groups.

Data Collection

I telephoned each judicial educator in July 1996 to explain the study and to seek his or her participation. All 50 judicial educators agreed to participate. The interviews took place from July 29 to August 30. Data collection was conducted by telephone interviews. Each interview was audiotaped, and written notes were taken. The interview instrument and format, interview environment, interview questions, and revisions to the interview questions are discussed in this section.

Interview Guide and Format

An interview guide, which contained a list of questions, was used. Because an interview guide was used, instead of a tightly constructed survey instrument, the respondents could speak freely about the issues I raised and whatever else they wanted to discuss. Lofland and Lofland (1995) referred to this as a guided conversation. A guided conversation allows for differences in how individuals express themselves.

Framing the interview as a guided conversation allowed the judicial educators to converse in their own style rather than forcing them to conform to some other predetermined style. I chose this approach for two reasons. First, I wanted to gain as much knowledge and

insight as I could into the thoughts, feelings, and perceptions of judicial educators. Uncovering what individuals' work means to them and what they perceive it means to others is a personal matter. Therefore, I determined that asking questions of this nature required an interview process that maximized comfort and allowed the judicial educator great latitude in responding. Because time and money precluded face-to-face visits, the guided conversation format was the next best alternative. The second reason for choosing guided conversations was that the bulk of the data collection already done in judicial education had been through survey instruments that focused on activities, descriptions, and numbers. Consequently, what is known about judicial educators and their work has not gone beyond the activities of judicial education. This information can be captured on paper. Engaging in conversations held the most promise for broadening and deepening the knowledge base of judicial education.

Although interviewing was chosen as the data-collection method for this study it does have some limitations. The limitations are those most often associated with the nonpositivist approach. The limitations and how I guarded against their effect follow.

Field interviews are frequently unstructured. The researcher may or may not record the answers given by the respondents. If the researcher paraphrases the responses, the data may reflect what the researcher thought was said, rather than what was actually said.

I addressed these pitfalls in the following ways. The interviews were conducted via telephone at prescheduled interview times. By the time the interviews took place, I had spoken to each judicial educator, explained the purpose of the research, gained his or her cooperation, and scheduled an interview time. Following this conversation, I mailed each judicial educator a consent form that contained a description of the study; his or her rights to withdraw from the study; and my responsibilities pertaining to interviewing, confidentiality, and reporting the findings.

I started each interview by restating the purpose of the study. I told the judicial educators that the interviews would be taped, and that I would also be taking notes. They were instructed that they could stop the taping or the entire interview anytime they desired. I told them that I had several questions to ask with no prestructured answers, except for those questions where I wanted them to give their answers a numerical value. I instructed them to answer freely and said that if I needed clarification I would ask for it, as should they. I explained that the interview format was like a conversation.

In this research, each interview had a preset time frame, the purpose was known, a list of questions were used, the interviews were taped, and notes were taken. Data collection involved what the respondents said and not what I thought they said. These precautions eliminated the criticisms about field research resulting in data that does not meet the purpose of the study or data that are constructed by the researcher.

The second limitation with interviews is that the researcher becomes an active participant in the study. When human subject's research does not involve interaction between respondent and researcher, the researcher is not a visible participant. Consequently, the data go directly from the respondent to paper or some other collection medium. This ensures that the researcher cannot influence answers given by the respondent. As a known researcher, I had concerns about the possibility that my familiarity with the respondents could influence how they answered.

To reduce any influence I might have had on the answers, I did the following: asked questions, provided explanation when needed, and asked for clarification if I did not understand the answer. When situations arose in which judicial educators indicated I knew what was meant by the answer, I would say that perhaps that might be true; but to avoid my interpretation I would rather hear their explanation. I always received an explanation. So, although I was an active and known participant in the study, I always sought to reduce any influence my presence might have had on the answers. As stated in the introduction, I chose the interview format with open-ended questions so that the respondents would be less likely to give me answers that they thought I wanted to hear, as opposed to sharing their honest opinions and feelings. I also chose this format because I did not want to prejudge their answers based on my familiarity with them or the occupation. By encouraging judicial educators to speak freely, I could not assume their answers; and they could not assume I wanted a particular answer. In addition, the presence or absence of status in judicial education was not a topic that I had previously researched. Therefore, I had no knowledge or established opinions about this issue.

As each interview was completed, I thanked the judicial educator for participating and asked what he or she felt about the interview. By continuing with the guided conversation format until the end, the judicial educators had an opportunity not only to express themselves in their own way; but also to comment about the process they had just engaged in. This method of data collection established an environment of openness, which is discussed next.

The Interview Environment

To establish a comfortable interview environment, I told the judicial educators that this study was qualitative; and that I was interested in the content of their responses rather than the number of questions they could answer. I indicated that I hoped they would share their thoughts, feelings, and opinions. And that at any time they felt uncomfortable they could say so; and we would stop. I assured them that all responses were confidential, and that no findings would be reported that could be attributed to any one judicial educator. No judicial educator withdrew from participation.

All of the judicial educators spoke in depth about their work, and what they valued. They sought to explain what they thought others valued about their work, or whether others even knew about the true nature of what they did. They pondered factors related to judicial education achieving professional status. The judicial educators told me that they enjoyed the opportunity to talk about their work, and how they valued it. They said that it was the first time they had been asked to tell their stories.

At the end of the interviews, I asked the judicial educators what they thought about the interview format. The purpose of asking what the respondents thought about the interview format was: (1) to obtain anecdotal feedback on whether the depth and breadth of the information received was associated with this method of data collection; (2) to determine the level of comfort the respondents had during the interviews; (3) to determine what, if any, research advantages were associated with this form of data collection; and (4) to ascertain whether the respondents preferred the interview format over other forms of data collection.

All of the respondents favored the interview format. The judicial educators reported that they had given the depth and amount of information they had because: (1) they had a scheduled interview time; (2) they did not have to write their answers, which made them feel freer to respond; (3) they were not forced to provide an artificial answer by checking a box or circling a number; (4) the questions were thought provoking, and they could tell their stories rather than recite facts and figures about the activity of judicial education; and (5) they could talk to me, because they knew me and knew that I understood their work. Many reported that they simply would not have completed a survey about such matters, because they could not have expressed themselves adequately in writing. Others said that they would have completed a survey because of their relationship with me, but that it would not have contained the depth of information provided during our conversation. They reported that I made it "comfortable" for them to talk about their feelings, perceptions, and opinions. And, because the interviews were described as guided conversations, they did not have to conform to a rigid format. For all of these reasons, the length of the interviews varied from 45 minutes to three and one-half hours. The average interview lasted one and one-half hours. The following quotations illuminate my comments and conclusions about the interview environment.

Interviewee 2: "This discussion made me think about things I haven't thought about in a long time. You made it easy to be honest about what I value and dislike about this work. I'm glad you did this. I feel recommitted."

Interviewee 36: "I'm glad you are engaging in these interviews. The results will be important to us. I am happy to be a participant in this research."

Interviewee 6: "You would never have gotten the quality of answers you received from me if I would have had to write out my answers. This was fun, and I could answer fully."

Interviewee 27: "I can be honest with you, because I know you. I suspect the others feel the same way. This is the first time anyone has asked me to tell my story."

Interviewee 39: "I liked that you called and scheduled the interview in advance. So many people don't respect my time commitments. I could plan for this. You got better responses from me because of this."

Interviewee 24: "We are surveyed to death. I would not have answered these questions on a survey. Well, maybe I would have because of you. It means so much more that you took the time to just talk to us. I know you got a hell of a lot more info this way."

The Interview Questions

The first set of questions were identification questions: date, name, gender, title, name of organization, educational level, years of service in judicial education, number of employees (including self), budget size, and size and type of education audiences. The answers related to their gender, educational level, years of service, and number of employees were operationalized and became the independent variables. The questions related to budget size and audience type and size were not operationalized, because the judicial educator's: (1) did not have that information readily available, or (2) could not answer with accuracy. In particular, the answers related to budget varied drastically from state to state; because what was included in the budgets in each state was different. Some included staff, some included programs, and some included both staff and programs. In other states, budgets included staff, programs, special projects, grants, line-item transfers, and money for activities that had nothing to do with judicial education. Therefore, using budget as an independent variable proved unreliable because of these differences.

The rest of the interview questions were developed to answer the eight research questions. The interview questions follow. They are listed with each applicable research question.

Research Question 1: What is the Work of Judicial Educators?

Interview Questions:

1. What are the responsibilities or functions of your job?
2. Describe the organizational structure within which you work, and where judicial education is placed.
3. Do you have organizational peers? If yes, what is your role and relationship with them?
4. Do you have an administrator? If yes, what is your role and relationship with that person?
5. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which you enjoy your work.

6. Explain what brings you joy about your work.
7. Explain what challenges or disappoints you about your work.

Research Question 2: What Do Judicial Educators Value About Their Work?

Interview Questions:

1. What do you value or think is important about your work?
2. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which you value your work.

Research Question 3: What Do Judicial Educators Perceive That Others Value About Their Work?

Interview Questions:

1. What does your significant other or family think is valuable about your work?
2. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which your significant other or family thinks those things are valuable.
3. What do your friends think is valuable about your work?
4. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which your friends think those things are valuable.
5. What do your organizational peers think is valuable about your work?
6. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which your organizational peers think those things are valuable.
7. What do your judicial education colleagues think is valuable about your work?
8. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which your judicial education colleagues think those things are valuable.
9. What does your supervisor think is valuable about your work?
10. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell the extent to which your supervisor thinks those things are valuable.
11. What do your training and education audiences value about your work?
12. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which you think your audiences value your work.

13. What do your state legislators value about your work?
14. On a scale from 1 to 5, with one being the lowest and 5 being the highest, tell me the extent to which your state legislators value your work.
15. What does the public value about your work?
16. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which you think the public values your work.

Research Question 4: What are the Differences and/or Similarities Between What Judicial Educators Value, and What Others Value About Judicial Education Work?

Interview Questions:

1. You identified that you valued ____ about your work; and, you thought that others valued ____ about your work. Explain to me why you think the values are either similar or different.
2. Do you think that your gender makes a difference?
3. Do you think that your educational background makes a difference?
4. Do you think that your experience in judicial education makes a difference?

Research Question 5: What are the Differences and/or Similarities Between Judicial Educators with Regard to Their Perceptions About What is Valuable in Their Work, and What Accounts for These Differences and/or Similarities? (Note: Judicial educators are in regular contact with each other. Consequently, they have some basis from which they can form such perceptions.)

Interview Questions:

1. What do you perceive other judicial educators value about their work and why?
2. Do you think that the gender of the judicial educator makes a difference?
3. Do you think that the educational background of the judicial educator makes a difference?
4. Do you think that the experience of the judicial educator makes a difference?
5. Do you think that the organizational structure and the placement of the judicial education operation make a difference?
6. Do you think the audience types make a difference?

Research Question 6: Do Judicial Educators Believe That the Value Attributed to Judicial Education Has Changed Over the Past Ten Years (1986), and Do They Think It Will Change Over the Next Ten Years (2006)?

Interview Questions:

1. What value do you think judicial education had ten years ago?
2. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me what value you think judicial education had ten years ago.
3. What value do you think judicial education has now?
4. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me what value you think judicial education has now.
5. What value do you think judicial education will have ten years from now?
6. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me what value you think judicial education will have ten years from now.

Research Question 7: What are the Elements that Judicial Educators Perceived Made a Profession, and How Many of the Elements of Professional Status Does Judicial Education Possess? (Note: These questions were very difficult for the judicial educators to answer, because the elements of professional status were not necessarily known to them. And, if known, they often did not intuitively make the connection between the elements and judicial education. Therefore, I explained each and gave examples from judicial education. Each interview question is followed by my examples or explanations.)

Interview Questions:

1. Element: Obtaining abstract knowledge through extensive specialized education and training for the purpose of solving human problems (Abbott 1988).

On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which judicial education possesses this element.

Comment: What this element refers to is that some professions require a practitioner to be educated and trained in specific knowledge and skills that are particular to that profession or field. The specialized preparation is required so that the expert knowledge is applied when serving the client. A familiar example for you is the profession of law or lawyering. To what extent does the practice of judicial education require specialized education and training that results in obtaining expert knowledge? Please comment on your answer.

2. Element: Applying abstract knowledge to the problem-solving process of diagnosing, treating, and inferring in a way that is not routine; thus maintaining power and control over problem solving (Abbott 1988).

On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which judicial education possesses this element.

Comment: This element speaks to applying expert knowledge in a way that you are accepted as the expert in judicial education so that you maintain power and control over the work. For example, when you are developing new curriculum you have to complete an assessment about the extent and degree of the education or training needed. Armed with this information, you have to develop a plan specifically to meet that need. Then, you present the plan to your audience groups in a way that demonstrates you used a combination of standard, approved approaches in your specialized field along with your expert knowledge to address this particular need. Thus, because you are an expert your audience groups allow you to take charge over the work. To what extent does judicial education apply expert knowledge so that it has power and control over the work? Feel free to comment on your answer.

3. Element: Ensuring autonomy by claiming and holding jurisdiction through means such as obtaining expert knowledge, skilled application of expert knowledge, licensure, ethics codes, statutes, case law, media manipulation, and public relations (Abbott 1988).

On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which judicial education possesses this element.

Comment: This element refers to ensuring autonomy so that you identify what the work is, what it is not, and who can do it. In some professions or occupations, such recognition of the jurisdictional boundaries and who can practice within those boundaries is established through some or all of the means just mentioned. To what extent has the judicial education occupation ensured autonomy for its practitioners through identifiable means like establishing expert knowledge criteria, standards, codes of ethics, licensure, statutes, case law, and media and public relations efforts? Please comment on your answer.

4. Element: Serving high-status clients or not being involved in client service at all, but rather serving other professionals (Abbott 1988).

On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which judicial education possesses this element.

Comment: As an example, this element strives to distinguish between the specialized training and expert knowledge required for plumbers, electricians,

and mechanics as opposed to doctors, lawyers, and accountants. Whereas plumbers, electricians, and mechanics may serve high-status clients, they typically cannot or do not select whose plumbing, wiring, and motors they will repair based on what the client does for a living. Therefore, they serve a client group driven by repair need and not by the client's profession or occupation. And they have direct client contact regardless of the client's station in life. On the other hand, doctors, lawyers, and accountants can select their clients by choosing to serve only certain client groups. They may do so through specialization. Or they may choose to serve each other, thus never having contact with clients outside of their own group. To what extent does judicial education serve high-status clients? Or to what extent does judicial education not get involved in client service? Please comment on your response.

5. Element: Status of the organization in which the professional works becoming tied to the status the individual professional enjoys. Larson (1977) pointed out that professional prestige is almost equivalent to organizational prestige.

On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which judicial education possesses this element.

Comment: This means to what extent does the status of your parent organization influence your own status? Please comment on your answer.

6. Element: Connection to the right networks that ensure sponsorship to the top of the organizational hierarchy (Larson 1977).

On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which judicial education possess this element.

Comment: This question refers to the extent to which judicial education places you in contact with individuals or groups who can mentor, sponsor, or help you get recognized so that you can be promoted. To what extent does judicial education make this happen? Please comment on your answer.

7. Element: Recognition by peers (Abbott 1988).

On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which judicial education possesses this element.

Comment: Before answering to what extent the judicial education occupation brings you recognition among your peers, tell me whom you think of as your peers. Please provide additional comment.

8. Element: Increased earning potential (Abbott 1988).
On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, tell me the extent to which judicial education possesses this element.
Comment: In this question, please assess the extent to which the occupation of judicial education provides increased earning potential for you. Please comment on your answer.
9. What other elements do you think make up a profession?
10. How many of these elements do you think judicial education possesses?
11. On a scale from 1 to 5, with 1 being the lowest and 5 being the highest, how close do you think judicial education is to obtaining professional standing?

Research Question 8: What are the Strengths of and Obstacles Faced by Judicial Education as it Strives to Achieve Professional Standing?

Interview Questions:

1. What do you think are the strengths of judicial education that will help it obtain professional standing?
2. What do you think are the obstacles facing judicial education in obtaining professional standing?

Revisions to the Interview Questions

Several revisions were necessitated by the interview process. Time was the biggest factor. The list of interview questions was lengthy for one and a half-hours interviews. Therefore, I dropped interview questions 5, 6, and 7 for Research Question 1; because I determined they were not essential to answering that research question.

Other questions were dropped if they could not be answered by any of the judicial educators. Consequently, all four interview questions for Research Question 4 were dropped. The ten judicial educators to whom I posed those questions said that the closeness to the work likely changes its perceived value. And, they said that they simply did not know whether their gender, educational background, or experience had any effect on how others value judicial education. However, issues related to gender, educational background, and experience are raised in Research Question 5 and will be addressed in the discussion of that question. As a result, Research Question 4 will not be part of this study.

The interview questions under Research Question 6 were redesigned. Three discrete questions were posed to determine (1) what judicial educators perceived the value of judicial education was ten years ago, (2) what value they perceived it has today, and (3) what value they thought it would have ten years from now. Also, the judicial educators were asked to give each a numerical value. All of the judicial educators answered the questions relating to the value of judicial education ten years ago and ten years in the future, but no respondent answered the numerical-value questions. I attempted to get the answers with no success.

The most problematic and the most time-consuming questions for the judicial educators were those for Research Question 3, which pertains to what others value about judicial education. Every respondent struggled with those questions, especially as it related to assigning numerical value to their answers. The judicial educators said that the numerical-value questions demanded meaningful answers that could be articulated only after considering multiple factors. They suggested that the variance in the work, the degree to which people knew about the work, the extent to which they knew what others knew and valued, and the depth to which they had previously considered such questions as meaning and status precluded their assigning a numerical value to their responses with any accuracy. Therefore, when looking at these findings in the next chapter, it must be remembered that the judicial educators gave their answers tentatively and said their answers were speculative, at best.

Data Analysis

In qualitative field studies, analysis is conceived as an emergent product of a process of gradual induction. Guided by the data being gathered and the topics, questions, and evaluative criteria that provide focus, analysis is the fieldworker's derivative ordering of the data. (Lofland and Lofland 1995:181) Consequently, this form of analysis is open ended and creative, which requires a process of working at the analysis (Lofland and Lofland 1995). Three analysis strategies were employed in this study. They are discussed in the following paragraphs.

Strategy 1: Code the Data

Coding the data is the most basic and concrete way of developing the analysis. Coding follows upon and leads to generative questions; fractures the data, thus freeing the researcher from description and forcing interpretation to higher levels of abstraction; is the pivotal operation for moving toward the discovery of a core category or categories; and so moves toward ultimate integration of the entire analysis; as well as yields the desired conceptual density. (Strauss 1987:55)

Therefore, coding data begins by asking two fundamental questions: "Of what category is the item before me an instance? What can we think of this being about?" (Lofland and Lofland 1995:186)

The questions I asked for coding were: "What is this? What does it represent? What is this an example of? How is it similar or different from like data?" Answering these questions resulted in placing labels or tags on the data, which assigned the data units of meaning (Miles and Huberman 1994). This resulted in sorting, organizing, and compiling the interview data into analytical codes.

Two stages of analytical coding were employed in this study: initial and focused coding. Initial coding is the first step of discovering and defining the data (Charmez 1983). It is where emergent induction of analysis begins (Strauss and Corbin 1990). Initial coding was conducted throughout and immediately following data collection.

Focused coding is a process whereby the initial codes are analyzed for frequency of use and applicability (Lofland and Lofland 1995). The resulting effect of focused coding is that fewer codes are applied to a broader range of data. In this stage, coding moves from individual labels to more global themes, which become overarching ideas, elements, or propositions.

In this research, codes were collapsed or eliminated on three separate occasions after data collection had been completed. The remaining codes became the descriptors or terms that are found in the appendices and throughout Chapter Three.

Strategy 2: Data Diagrams

Diagrams are "visual representations of relationships between concepts" (Strauss and Corbin 1990:197). Diagramming in this study provides visual displays of the elements and/or variables that will be used to answer the research questions. Tables and figures are used.

Strategy 3: Answer the Research Questions

Answering the research questions is accomplished through determining and describing the variables and through exploring the relationships between the variables. Frequencies, percentages, and means are reported as each applies to the findings. I used this information to look for central and recurring tendencies, and to discover what homogeneity and variances existed. These relationships were not explored in quantitative terms but were investigated in qualitative terms.

Although the three strategies provided the analytical framework for this qualitative study, they do not describe the analytical process. The process throughout was flexible, creative, and open. Comparisons were constant so that nothing would be overlooked. Diagramming was done and redone to ensure clear and descriptive visuals. Plunging into detail and withdrawing from it was ongoing until both the detail and overarching themes were uncovered. Finally, judgment was withheld until all of the analytical pieces fell into place.

This analytical framework and process are about making sense out of what has been learned. Denzin (1994) referred to this as the art of interpretation.

Units of Analysis

Many dependent variables emerged from the data as a result of the coding, and they are fully listed and explained in the appendices. The independent variables, which represent the units of analysis, are gender, educational background, organizational size, and career stage.

These variables were chosen for several reasons. Gender was chosen as an independent variable as it is a basic human identifier. A wealth of research has been conducted on women and men in the workplace, suggesting that differences do exist (Kanter 1977; Seymour 1987; Reskin 1991; Acker 1991; Almquist 1991; Brenner 1991).

Educational background was chosen, because it is a common identifier in research. The law and nonlaw distinction is a topic of discussion among judicial educators as it pertains to how the work is approached and executed.

Organizational size was selected as an independent variable, because number of employees is an important factor that often changes the work of judicial educators. This difference has the potential for influencing the value of the work to the judicial educator and to others.

Career stage, as determined by years of service, was selected, because researchers have indicated that people approach their work differently based on their life experiences (Havighurst 1961; Neugarten 1968; Gould 1972; 1975; McCoy 1977; Lehman and Lester 1978; Chickering and Havighurst 1981).

Two common variables that often are used in research but were not employed in this study are race and age. Race was not used, because there was no racial diversity in this population. All of the judicial educators are white. Age was not employed, because recent research on this population showed little diversity in age—the vast majority of judicial educators are from 45 to 55 years old (Conner 1995).

Gender of the Judicial Educator

The first independent variable was gender. Eighteen male judicial educators and 32 female judicial educators participated in this study.

Educational Background

The judicial educators were asked to provide their educational background. The breakdown of highest degree obtained was as follows:

bachelor's	(n = 6)
master's	(n = 17)
law	(n = 21)
doctorate	(n = 6)

However, the judicial educators did not describe their educational background in this way. Rather, they defined educational background using two terms: law-trained (n = 23) and nonlaw-trained (n = 27). The judicial educators raised this distinction as being an important factor in how the work of judicial education was conceptualized and executed. Therefore, the variable category for educational background was defined as law-trained and nonlaw-trained.

Organizational Size

The third category was organizational size as determined by number of employees. Judicial educators were asked how many employees, including themselves, were in their judicial education organizations. Their responses ranged from 1 to 50. The breakdown is as follows:

1 employee	(n = 11)	9 employees	(n = 2)
2 employees	(n = 7)	10 employees	(n = 1)
3 employees	(n = 8)	13 employees	(n = 1)
4 employees	(n = 1)	15 employees	(n = 1)
5 employees	(n = 8)	16 employees	(n = 1)
6 employees	(n = 3)	17 employees	(n = 1)
7 employees	(n = 3)	50 employees	(n = 1)
8 employees	(n = 1)		

Ninety percent of the respondents' organizations had ten or fewer employees, and 98 percent had 17 or fewer employees. To determine the units of analysis for organizational size, several factors were considered. I consulted the organizational management, industrial psychology, and labor and industrial relations literature to determine what, if any, research had been done on whether the work in small organizations is managed or valued differently from the work in larger organizations. I did this as a way of informing the decision-making criteria for establishing the units of analysis. The literature review did not result in any information on this subject. I then turned to the interview data and anecdotal comments made during the interviews to help establish the units of analysis.

One-person operations differed from multi-person operations in that one person had to do all of the program development, administration, and support functions. In addition, one-person operations had no personnel management functions. Therefore, one-person organizations ($n = 11$) became the first unit of analysis.

The second unit of analysis, small organizations ($n = 15$), had two to three employees. In this case, the judicial educator now had personnel functions. He or she likely had a support person or professional on staff. Although in the small organizations the judicial educator had personnel, he or she still had to be a working manager responsible for tasks that would be assigned to lower professional, technical, or clerical job classifications in a much larger organization.

The third unit of analysis, medium organizations ($n = 12$), included organizations with four to six employees. This signified more management responsibilities in personnel, budget, and organizational activities. However, with only four to six people doing the work, the judicial educator still had some hands-on management responsibilities.

Medium-to-large organizations ($n = 6$) was the fourth unit of analysis and included operations with seven to nine employees. Having this number of employees continued to increase the judicial educator's people, money, process, and product management responsibilities; but it eliminated many nonmanagement tasks from the range of responsibilities.

Large organizations of ten or more employees ($n = 6$) was the fifth and final unit of analysis. Only 12 percent of the state judicial education operations fell within this large organization unit. Although this size of organization may be small by other standards, for judicial education it is large and somewhat of a rarity. The work for judicial educators in large organizations was dedicated almost totally to management.

Career Stage

The years of service for judicial educators ranged from less than one year to 23 years. Each judicial educator was asked how long he or she had been involved in judicial education. Sixty-eight percent had been in judicial education ten or fewer years.

<1 year	(n = 1)	11 years	(n = 2)
1 year	(n = 2)	12 years	(n = 1)
2 years	(n = 6)	13 years	(n = 1)
3 years	(n = 1)	15 years	(n = 1)
4 years	(n = 3)	16 years	(n = 1)
5 years	(n = 6)	17 years	(n = 2)
6 years	(n = 3)	20 years	(n = 2)
7 years	(n = 2)	21 years	(n = 1)
8 years	(n = 5)	22 years	(n = 4)
10 years	(n = 5)	23 years	(n = 1)

In determining the units of analysis for years of service, I again consulted the management literature from organizational development, industrial psychology, and labor and industrial relations to determine whether there had been research on how people value their work based on years of service. The literature search uncovered nothing. I then turned my attention to comparing the dependent variables that emerged from the data by years of service. This comparison was conducted year by year to determine what, if any, patterns might emerge to assist in defining the units of analysis. None emerged. Then, I reviewed units of analysis for years of service that had been employed in previous research (Hudzik 1995; Conner 1996) on judicial education. That research was primarily quantitative, and the units of analysis were established based on frequency distributions to allow for higher levels of statistical analysis. Therefore, I determined the units of analysis based on comments made by the judicial educators during the interviews and through my previous work with them.

Many judicial educators reported that it takes at least three years to learn the job. They said that this is so; because within three years judicial educators will typically have been through two or three state budget cycles, depending on whether their state has an annual or biannual budget. Also, within a three-year period they would have likely gone through leadership changes on their boards and committees. Further, they would have probably had a change in chief justices. In addition, they would have gone through one or two program cycles, which would have introduced them to the development and administration issues involved in executing continuing education programs in the court environment. Lastly, within the first three years, they typically would have had experience in grant writing; and, if successful, they would also have gained grant-administration experience.

Many judicial educators commented that solid recognition of their work and the contributions of judicial education came only after they had been in their jobs for awhile, successfully weathered the changes in leadership, and established a reputation for excellent programming. Five years was the time many said that it took to achieve this recognition.

The last comment made by judicial educators was that their jobs have a high burnout factor, because they are chronically under funded and understaffed while performance demands remain high. Consequently, many said that individuals who have been judicial educators for ten or more years are "old-timers". The judicial educators also commented that there is no career path in judicial education for them to follow. Therefore, moving up means moving out, which results in short tenure.

Based on these comments and the lack of any other definitive criteria, I established the following units of analysis for career stage, determined by years of service. Each includes the pivotal years identified by the judicial educators.

new-career judicial educators	(n = 10)	<1 to 3 years
new-to-mid-career judicial educators	(n = 14)	4 to 7 years
mid-to-advanced-career judicial educators	(n = 13)	8 to 12 years
advanced-career judicial educators	(n = 13)	13 or more years

Comparative Analysis between the Judicial Education Status Elements and the Status Elements in the Literature

The last research method used in this study was comparative analysis to determine whether judicial education follows the traditional-service model (Carr-Saunders and Wilson 1933; Marshall 1939; Parsons 1939; Naegle 1956; Goode 1957; Braude 1961) or the Marxist model of client dominance through structural power and control (Berlant 1975; Larson 1977). The eight elements of professional status are key in this analysis. The responses to what judicial educators and others value are used in describing the perceived status of judicial education. Once described, these status indicators are compared with the literature. The strengths of and obstacles faced by judicial education as it attempts to achieve professional status will further illuminate the comparison.

In summary, using these research methods allowed me to: (1) describe the work of judicial education, (2) describe status in judicial education and what it means through how it is valued, (3) compare perceived status elements of the judicial education occupation with the identified status elements of professions, and (4) determine whether judicial education fits the traditional-service model of professions or the Marxist model of client dominance through structural power and control.

CHAPTER THREE

Findings

In Chapter Three, the research questions are posed and the findings presented. The items and/or terms that emerged during the interviews are described in the appendices. Many of the descriptions include quotations from respondents. These quotations are included to add further illumination by offering comments or explanations given by judicial educators. Some quotes contain blanks, because information that could identify the respondents was deleted.

Even though none of the research questions directly addressed how the responses might vary based on the independent variables of gender, education, organizational size, and career stage of the respondents, the intention was to collect the information and look for any similarities or variations. The information was collected and placed into tables. The tables provide additional information but are difficult to interpret. The population size of judicial educators was only 50; and when the responses were broken down by the aforementioned independent variables, the frequencies in the table cells were too low to conduct a sound analysis. Therefore, the tables, which display the findings by the independent evaluators, are not in this report.

This chapter is organized around the eight research questions. Comments on the findings are provided in Chapter Four, along with the conclusions and recommendations.

Research Question 1: What is the Work of Judicial Educators?

The purpose of Research Question 1 was to uncover what judicial educators do in their jobs. Through conversation with judicial educators, a description of judicial education emerged.

Judicial education involves management and administration of the judicial education organization and its programming. It also involves the development and implementation of education programs and projects. In addition, judicial educators lend their knowledge and skills to state court projects and initiatives.

As the judicial educators described their work, 42 job responsibilities emerged. Of those, 23 related directly to judicial education. Nineteen were associated with supreme court directives or state court administrative office projects or initiatives. Because these responsibilities are not directly related to the work of judicial education, I refer to them as nonjudicial

Job Responsibilities in Judicial Education Work

Figure 1 shows the judicial education job responsibilities under two categories. The categories are:

Management and/or administration. This category includes matters affecting the goals, objectives, policies, procedures, and priorities of the judicial education organization.

Educational programming. This category is directly related to the educational process of developing, implementing, and executing continuing judicial education programs and projects.

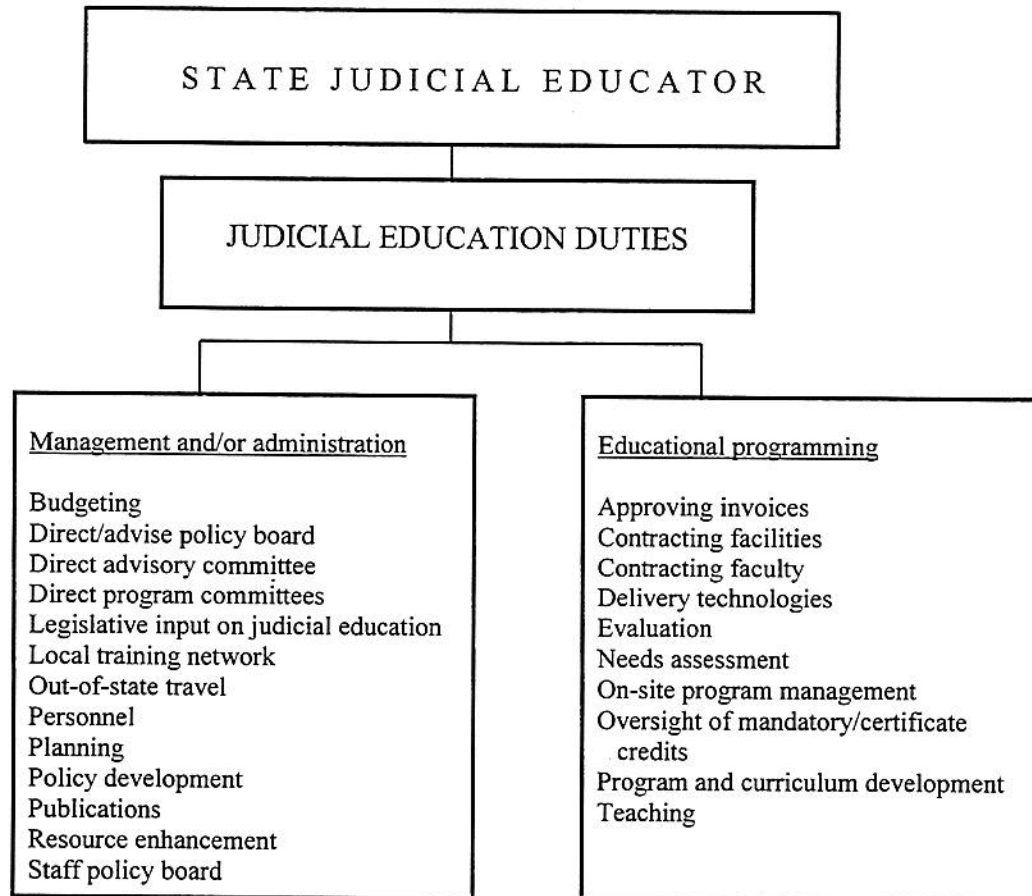


Figure 1: State Judicial Educator Job Responsibilities in Judicial Education

All 50 judicial educators reported a myriad of judicial education responsibilities, as seen in Table 4. They most often reported that they were involved in budgeting (68 percent or 34), program/curriculum development (66 percent or 33), and personnel (60 percent or 30). This means that most of their work involved responsibilities from both categories and was not dominated by just managing or just educating. Ten percent or less of the respondents reported being responsible for overseeing mandatory and/or certificate credits, educational delivery technologies, staffing policy boards, and managing local training networks. The rest of the responsibilities were reported by 46 percent to 20 percent of the respondents. See Table 3 for the full list of judicial education related job responsibilities.

Table 3. Judicial Education Job Responsibilities

Responsibilities	Frequency	Percent
Budgeting	34	68
Program/curriculum development	33	66
Personnel	30	60
Direct advisory committee	23	46
Contracting faculty	22	44
Needs assessment	21	42
Planning	20	40
Evaluation	19	38
Approving invoices	18	36
On-site program management	18	36
Direct program committees	18	36
Direct/advise policy board	18	36
Policy development	17	34
Contracting facilities	17	34
Resource enhancement	16	32
Out-of-state travel	11	22
Publications	11	22
Legislative input on judicial education matters	10	20
Teaching	10	20
Oversight of mandatory and/or certificate credits	5	10
Delivery technologies	3	6
Staff policy board teaching	3	6
Local training network	2	4

Valid Cases=50

Job Responsibilities in Nonjudicial Education Work

Figure 2 shows the nonjudicial education responsibilities. As previously stated, nonjudicial education responsibilities is the label I placed on the work judicial educators do

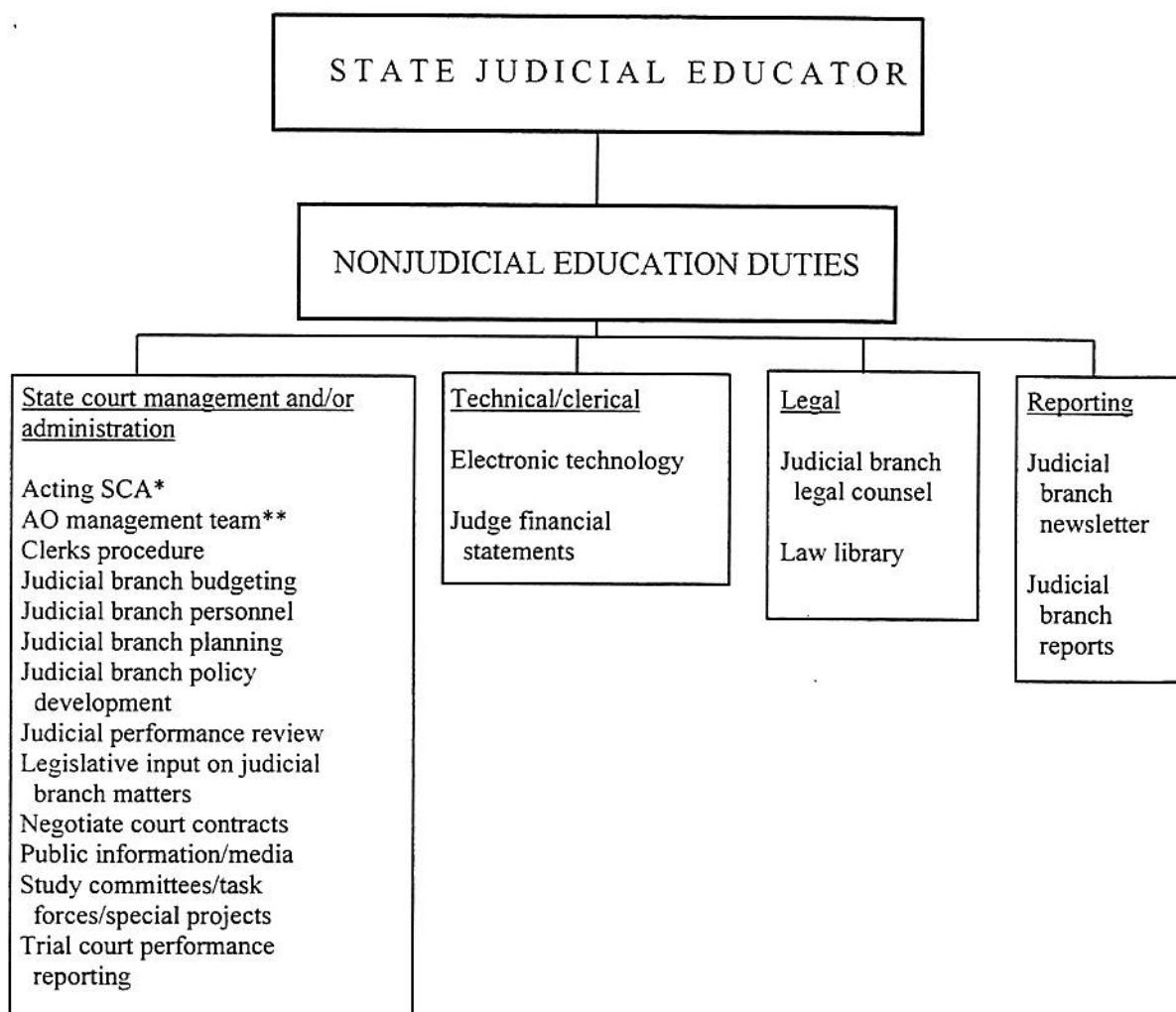
that is not directly related to the management of the judicial education organization or judicial education programming. The responsibilities appear under four categories:

State court management and/or administration. This category includes responsibilities related to the management and/or administration of the state court system.

Technical/clerical. This category contains judicial educators' responsibilities for technical operations or monitoring compliance associated with a court rule, statute, or administrative order.

Legal. This category includes responsibilities in which the judicial educator uses his or her law training or legal expertise in assisting or advising the supreme court and/or state court administrative office.

Reporting. Responsibilities in this category involve writing reports or other types of publications related to the activities of the state judicial branch.



* Acting State Court Administrator

**Administrative Office Management Team

Figure 2. State Judicial Educator Job Responsibilities in State Judicial Branch

As shown in Table 4, 32 of the 50 respondents (64 percent) reported that they had no nonjudicial education job responsibilities. The remaining 18 respondents reported being a member of the administrative office management team. Seventeen of the 18 respondents (94.5 percent) were involved in study committees, task forces, or special projects. Ten of the 18 respondents (55.6 percent) had input on legislative matters pertaining to the judicial branch. The remainder of the items were reported by 6 or fewer of the 18 respondents.

Table 4. Nonjudicial Education Job Responsibilities

Responsibilities	Frequency	Percent
AO management team*	18	100
Study committees/task forces/special projects	17	94.5
Legislative input on judicial branch matters	10	55.6
Public information/media	6	33.3
Judicial branch legal counsel	5	27.8
Judicial branch personnel	5	27.8
Judicial branch policy development	4	22.2
Judicial branch budgeting	3	16.7
Judicial branch newsletters	3	16.7
Judicial branch planning	2	11.1
Law library	2	11.1
Judicial performance review	2	11.1
Judicial branch reports	2	11.1
Negotiate court contracts	1	5.5
Trial court performance reporting	1	5.5
Judge financial statements	1	5.5
Electronic technology	1	5.5
Acting SCA**	1	5.5
Clerk procedures	1	5.5

* Administrative Office Management Team

** Acting State Court Administrator

Valid Cases=18

In sum, the goal of Research Question 1 was to determine what judicial educators do in their jobs so that a description of judicial education could be formulated. Based on the judicial educators' responses, it is now known that:

1. The judicial educators had both judicial education and nonjudicial education responsibilities. However, only 18 of the 50 respondents (36 percent) reported having nonjudicial education duties.
2. Twenty-three judicial education responsibilities emerged. Of the 23, budgeting, program/curriculum development, and personnel were reported the most often.
3. Nineteen nonjudicial education responsibilities surfaced during the interviews. Judicial educators were most often involved in the following nonjudicial education activities or assignments: administrative office

management team, study committees/task forces/special projects, and legislative input for the judicial branch.

4. The judicial educators' work, as described, showed variation. However, the majority of the work involved management and administration. Work that did not fall within the management and administration category involved direct educational programming and activities, legal research or advice, reporting studies or activities of the judicial branch, and technical or clerical services.
5. Because of the variations that surfaced in this study, one can conclude that the job description of judicial educators varies from state to state.

Research Question 2: What Do Judicial Educators Value About Their Work?

The purpose of Research Question 2 was to discover what judicial educators value about their work, and to ascertain whether what they value relates to elements that are found in professions and professional status. Judicial educators reported 18 things that they valued. Far above anything else, judicial educators reported that they valued being change agents. Eighty-eight percent or 44 of the 50 judicial educators said being a change agent was what they valued most. A distant second was developing human potential. The respondents made several comments reflecting the value they held about making a difference.

Interviewee 1: "I don't need attribution as long as I can see I have made an impact on my participants."

Interviewee 2: "Sometimes I struggle to find value in my work. But then I am reminded of the most profound aspect of my work—the ethical and moral development of judges."

Interviewee 6: "I came to the courts, because they are about human rights. The administration of justice is about human rights."

Interviewee 10: "I would like to think that I contribute to the quality of justice. Whatever effort we make boosts the morale of employees. They get few rewards. It ends their isolation."

The items that held little value for these judicial educators; but that have great value in the establishment of professional status, were financial compensation, visibility, power, success, appreciation, status, respect, ability to influence, and autonomy. Each of these items was valued by five or fewer judicial educators. The findings are shown in Table 5.

Table 5. What Judicial Educators Valued About Their Work

Value	Frequency	Percent
Change agent	44	88
Developing human potential	18	36
Education process	13	26
Role of the court in society	13	26
Relationships	11	22
Intellectual growth	8	16
Education product	6	12
Diversity in work	5	10
Autonomy	5	10
Ability to influence	4	8
Respect	3	6
Status	2	4
Appreciation	2	4
Do not know	2	4
Success	1	2
Power	1	2
Visibility	1	2
Financial compensation	1	2

Valid Cases=50

After the judicial educators identified what they valued or thought was important about their work, they rated the extent to which they valued their work on a scale of one (low) to five (high). The mean response was 4.79. This indicates that, regardless of what they did or thought was important about their work, they valued it highly.

In sum, the judicial educators believed their work was very important, and they valued most being change agents. This is a fundamental value held by traditional professions, which hold in high regard being of service to others. Judicial educators held in less esteem those items that traditionally are viewed by others as important to gaining professional status and recognition.

Research Question 3: What Do Judicial Educators Perceive That Others Value About Their Work?

The purpose of Research Question 3 was to determine what others value about judicial education, as professional recognition and status are gained largely through the value the occupation has to others. The respondents were asked to consider how the following individuals or groups valued their work in judicial education: significant others/partners,

friends, organizational peers, judicial education colleagues, supervisors, audiences/client groups, state legislators, and the general public.

Significant Others/Partners

Twelve items emerged when judicial educators talked about what they thought their significant others valued about their work. The respondents believed that, more than anything else, their significant others valued their role as a change agent. However, though this was the response most frequently given, it was reported by only 36 percent or 18 of the 50 judicial educators. Two quotations further illuminate this value.

Interviewee 17: "My spouse values that I sensitize judges to societal issues that they might not otherwise think about."

Interviewee 24: "My ____ knows I make a difference."

Next, judicial educators indicated that their significant others valued their work, because they valued the judicial educators themselves. Therefore, judicial education held no importance on its own. Judicial educators made several comments about this.

Interviewee 14: "____ values that I am happy. ____ cares about me, so if I like my work ____ thinks it is important."

Interviewee 25: "Because it is valuable to me it is valuable to _____. I went from being a college professor to teaching judges. I think judicial education makes for a better judiciary; consequently, so does _____."

Interviewee 33: "____ thinks I'm important. He likes my work."

Twelve of the 50 (24 percent) judicial educators indicated either that they did not know what their significant others valued about judicial education, or that their significant others did not know enough about judicial education to place any value on it. Two additional respondents reported that their significant others did not value judicial education at all. Each of the rest of the responses was given by less than 10 percent of the respondents. The findings are in Table 6.

When I asked the judicial educators to tell me the extent to which their significant others valued their work, 28 percent or 14 of the 50 said that they could not give it a numerical value. The mean for the 36 who did respond was 4.59.

Table 6. What Significant Others Valued About Judicial Education

Value	Frequency	Percent
Change agent	18	36
Values me	15	30
Prestige	8	16
Role of court in society	7	14
Does not know	7	14
Does not know work	5	10
Values all education	3	6
Does not value	2	4
Organizational skills	1	2
Financial compensation	1	2
Recognition	1	2
Court public education	1	2

Valid Cases=50

Friends

Fourteen items emerged when judicial educators talked about what their friends valued about their work. Sixty-eight percent or 34 of the 50 respondents reported that their friends did not know what their work was about, or they did not know what their friends valued about their work. Some of the judicial educators had some insight into what their friends valued. Most believed that their friends valued the change-agent role or the prestige of working in the court and with judges. Each of the remaining items was identified by three or fewer respondents. The findings are in Table 7.

When I asked the respondents to reflect on the extent to which they thought their friends valued their work, 40 out of 50 (80 percent) said they could not give a numerical rating, as they had no idea of the degree to which their friends valued their work. The mean response for the remaining ten respondents was 4.09. The following comments provide further insight into the two most frequently given responses.

Interviewee 28: "My friends don't know about my work."

Interviewee 30: "My friends outside of work know nothing about what I do. I don't talk about it."

Interviewee 32: "My friends don't know enough about it to value it."

Table 7. What Friends Valued About Judicial Education

Value	Frequency	Percent
Does not know work	22	44
Does not know	12	24
Change agent	6	12
Prestige	6	12
Women value women	3	6
Role of court in society	2	4
Influence	2	4
Personal enhancement	2	4
Status	1	2
Value all education	1	2
Leadership	1	2
Creativity	1	2
Survival skills	1	2
Ethics	1	2

Valid Cases=50

Organizational Peers

Organizational peers were the next group that was discussed; nine items emerged. Thirty-three of the 50 of the respondents (66 percent) reported that they did not know what their organizational peers valued, their organizational peers did not value the work, their organizational peers did not know what the work was, or they did not have any organizational peers. Of the remaining items, improving the system was most frequently reported. Twelve of the 50 judicial educators (24 percent) discussed this attribute. Here are some of their comments:

Interviewee 41: "I would love to say they value it, but we are all so overworked and understaffed we have little contact with each other unless they have a need to interact."

Interviewee 46: "They don't value it highly. They don't think the training and education division is all that important."

Each of the rest of the items was identified by fewer than five people. The findings are in Table 8.

The mean response to the question regarding the extent to which organizational peers valued the judicial education work was 3.87. Twenty-four of the 50 judicial educators (48 percent) responded to the numerical-value question.

Table 8. What Organizational Peers Valued About Judicial Education

Value	Frequency	Percent
Improves system	12	24
Does not know	12	24
Does not know work	9	18
Does not value	8	16
Their involvement	4	8
Does not have peers	4	8
Product	3	6
Nurturing	2	4
Value all education	1	2

Valid Cases=50

Judicial Educator Colleagues

Judicial educator colleagues were the next group of people discussed. Thirty-seven of the 50 respondents (74 percent) said either that they did not know what their colleagues valued about what they did, or that their colleagues did not know enough about their work to value it. Those two terms and seven others emerged during the discussions on this issue. The findings are in Table 9.

None of the judicial educators could provide a numerical rating for the value that their colleagues held for their work. Interviewee 1 provided insight into why the respondents did not think they could provide a numerical rating: "We don't have discussions about such things. Our conversations are always about doing and not about what we have done. Maybe it is time to have more reflective communications."

Table 9. What Other Judicial Educators Valued About the Respondents Judicial Education Work

Value	Frequency	Percent
Does not know	24	48
Does not know work	13	26
Leadership	5	10
My effort	4	8
Application of adult education theories, principles, and practices	2	4
Intergovernmental relations	1	2
Product	1	2
Change agent	1	2
Longevity	1	2

Valid Cases=50

Supervisors

Judicial educators believed that their supervisors valued their work very highly. The mean response was 4.69. Only 6 of the 50 judicial educators (12 percent) could not rate the extent to which their supervisors valued their work.

Seventeen items emerged when judicial educators discussed what their supervisors valued about their work. Twenty of the 50 judicial educators (40 percent) reported that their supervisors did not value judicial education, they did not know enough about the work to value it, the judicial educators did not know what their supervisors valued, or they did not have a supervisor. The only other individual item that was reported by more than ten respondents was that their supervisors valued education, because it improves the system. The findings are in Table 10. Comments about judicial education supervisors follow.

Interviewee 46: "___ values that I have a good working relationship with the judges. But ___ doesn't know what I know about this job."

Interviewee 50: "The administrative office places a premium on education."

Interviewee 6: "___ doesn't see judicial education as having any currency."

Table 10. What Supervisors Valued About Judicial Education

Value	Frequency	Percent
Does not know	15	30
Improves system	11	22
Relations with courts	9	18
Change agent	5	10
Consistent production	5	10
Knowledge	4	8
No problems	4	8
Communication skills	2	4
Does not value	2	4
No supervisor	2	4
Adult education application to law	1	2
Candor	1	2
Does not know work	1	2
Leadership	1	2
Positive attitude	1	2
Public relations	1	2
Teaching	1	2

Valid Cases=50

Audiences/Client Groups

Next, judicial educators talked about their judicial education audiences. Only 7 of the 50 respondents (14 percent) said they did not know what their audiences valued. The majority said that they perceived that their audiences valued the increased knowledge, skills, and abilities gained as a result of being a recipient of educational programming. Twenty-eight percent or 14 of the 50 respondents identified that their audiences valued most the opportunity to meet with their colleagues. Another 28 percent believed that their audiences valued the quality of the educational experience. The rest of the items were identified by nine or fewer individuals. The findings are in Table 11.

Five judicial educators said they could not provide a numerical value for what their audiences thought was important about their work. The other 45 perceived that their audiences valued their work highly—4.74. Comments made by the respondents further add to the findings:

Interviewee 9: "They value the end product. They are pleased with the work, and how it improves the system."

Interviewee 3: "They value the opportunity to converse with their colleagues and gain knowledge they don't have access to in their everyday office life."

Interviewee 4: "On the whole, the majority have come to see education as a means to develop and stay out of trouble."

Table 11. What Audiences Valued About Judicial Education

Value	Frequency	Percent
Increased knowledge, skill, and abilities	26	52
Collegiality	14	28
Quality learning experience	14	28
Safe learning environment	9	18
Does not know	7	14
Quality service	6	12
Attention they receive	6	12
Judicial educator hard work	2	4
Judicial educator knowledge	2	4
Judicial educator candor	1	2
Judicial educator confidentiality	1	2
Location	1	2
Mandatory CLE/CJE*	1	2
Obtaining financial resources	1	2
Supreme court commitment	1	2

*Mandatory Continuing Legal Education/Continuing Judicial Education

Valid Cases=50

State Legislators and the General Public

The judicial educators also were asked to consider the value that state legislators and the public would give to their work in judicial education. The answers were unanimous. The respondents said that legislators do not know about the work of judicial education. They indicated, however, that a handful of legislators might have heard of the work if they were on judicial subcommittees. And, even then, they would only know that it existed; and that it could possibly be used to achieve a political end. Comments from interviewees 40, 18, and 38 further illuminate the respondents' perceptions of their state legislators in relationship to judicial education or the courts.

Interviewee 40: "They are a disaster. They mandated my constituency to have eight hours a year in domestic violence. The total required for the whole year is 16 hours. This pissed the judges off and ended in resistance. They used judicial education for political expediency. Otherwise, they know nothing about it."

Interviewee 18: "Only a handful even know they fund it."

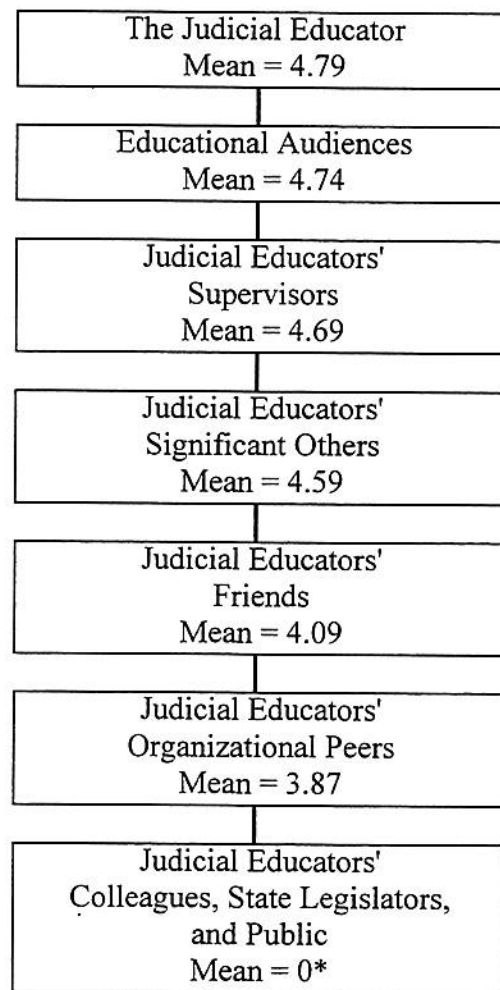
Interviewee 38: "We tell them as little as possible. They hate the courts and don't want them to have any money."

As for the public, the respondents indicated that they had no knowledge of the work in judicial education. Therefore, judicial education has no value to the public.

In sum, the following is now known about how others, as they were defined in this study, value judicial education:

1. Judicial educators valued their work more than anyone else did. Figure 3 lists the groups in descending order of the value attributed to judicial education.
2. Frequently, judicial educators did not know what others valued about their work. Or, they indicated that others did not know enough about judicial education to give it a value. Figure 4 displays this information.
3. The groups that had the most exposure to the judicial educators' work were perceived to value it more than those who did not have such exposure.
4. Judicial educators perceived that very few of the others did not value judicial education, if they knew about it. They reported that only 16 percent of their organizational peers, 4 percent of their significant others, and 4 percent of their supervisors did not value their work in judicial education.

5. No dominant characteristic emerged for which judicial education could become recognized or valued.



* Respondents could not provide a numerical value for what these three groups valued about the work they do.

Figure 3. Groups That Value Judicial Educator Work, from Most to Least

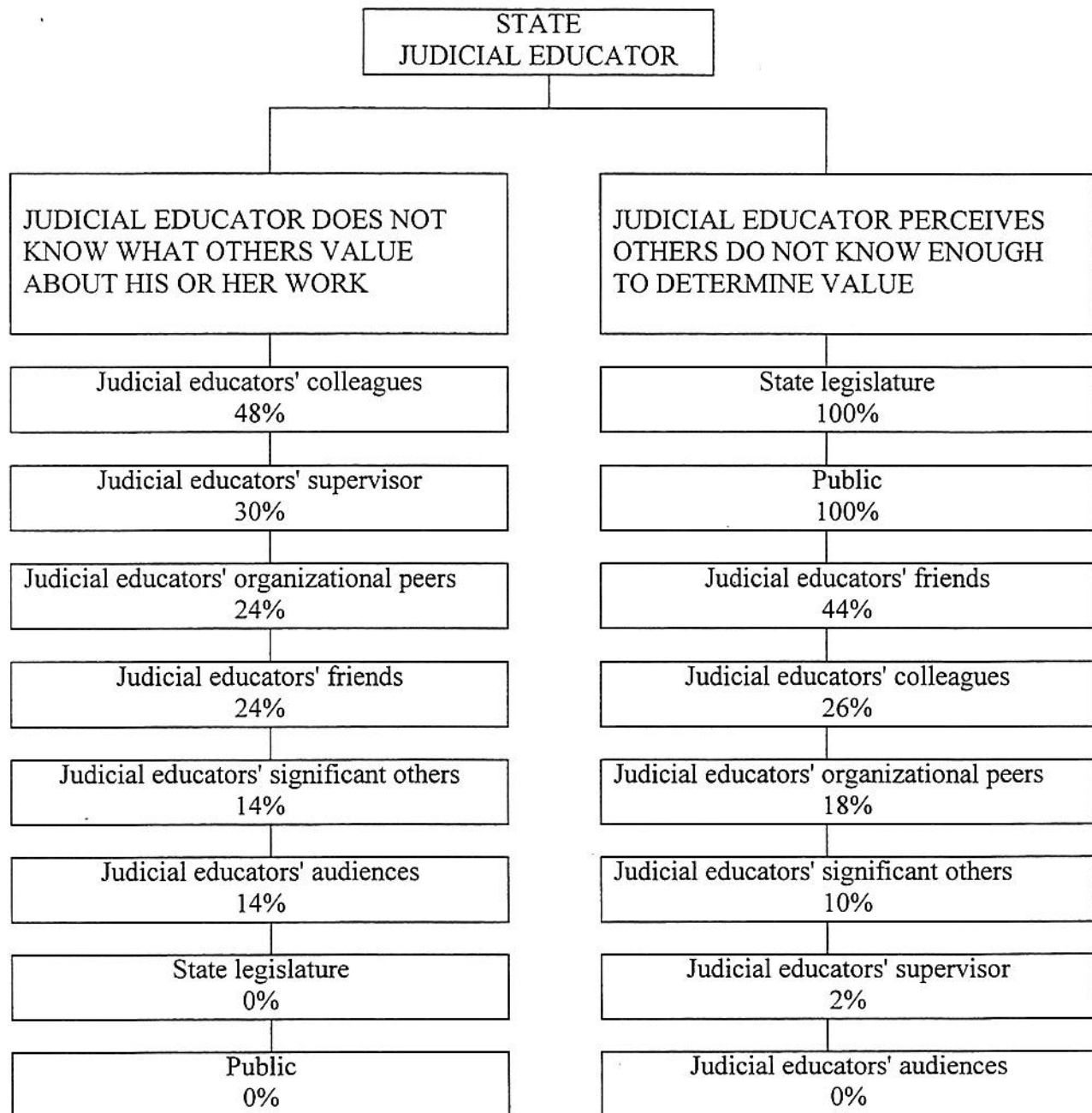


Figure 4. Unknown Value of Judicial Education, in Descending Order

Research Question 4: What are the Differences and/or Similarities Between What Judicial Educators Value, and What Others Value About Judicial Education Work?

I posed the interview questions developed to answer Research Question 4 to the first 15 interviewees; none of the respondents answered. Therefore, I dropped the interview questions for this research question; and it will not be addressed in this monograph. However, insights into gender, educational background, and experience will surface in the findings reported for Research Question 5.

A sample of the responses I received that led me to drop the interview questions follow.

Interviewee 1: "I can't answer this question for the same reason I couldn't answer the others. Judicial education is so discrete. Most people have no exposure. So, their opinions are global and superficial. There are too many others in my life to know."

Interviewee 4: "You know, I don't think about whether people value my work based on certain personal characteristics. I just do my job."

Interviewee 6: "I do it, and they observe it. How can they really know? These other factors, I don't think about."

Interviewee 7: "My life is too complex, with too many people in it, to answer this question."

Interviewee 8: "I have no idea."

Interviewee 14: "This is hard. I don't know."

Research Question 5: What are the Differences and/or Similarities Between Judicial Educators with Regard to Their Perceptions About What is Valuable in Their Work, and What Accounts for These Differences and/or Similarities?

The purpose of this research question was to determine whether certain factors make a difference in what judicial educators value. The factors are gender, educational background, length of experience, organizational structure, and composition of education audiences. The respondents were first asked what their colleagues valued about their work. Then, they were asked whether the four factors would change what they perceived their colleagues valued.

Consistent with previous comments made during the interviews, the judicial educators perceived that their colleagues most valued being change agents. Fifty-eight percent or 29 of the 50 respondents identified change agent. However, 24 percent or 12 of the 50 respondents indicated that they did not know what their colleagues valued. A variety of other terms were used. In fact, developing human potential and having influence were

terms used by 28 percent of the respondents. These two terms are similar to being a change agent in that both, as indicated by the respondents, have the element of making a difference or changing people or things. Therefore, being in a position in which one can lead or influence positive change is what most judicial educators believed their colleagues valued about their work. The findings are in Table 12.

Table 12. What Judicial Educators' Colleagues Valued About Their Own Work

Value	Frequency	Percent
Change agent	29	58
Does not know	12	24
Developing human potential	7	14
Influence	7	14
Relationships	5	10
Status	5	10
Education products	4	8
Intellectual growth	4	8
Challenge	3	6
Freedom to create	3	6
Appreciation	1	2
Do not value	1	2
Education process	1	2
Ego fulfillment	1	2
Power	1	2
Recognition	1	2
Respect	1	2
Role of the court in society	1	2

Valid Cases=50

Effect of Gender

The next question I asked was whether the respondents thought the gender of the judicial educator made a difference in what he or she valued. The most interesting thing was that the answers were more akin to a list of characteristics commonly attributed to men and women rather than an articulation of how gender might affect what the judicial educator valued. Twenty-two items emerged to describe women; whereas, 15 items were used to describe men. Two items, the role of gender socialization and the necessity to have a blend of masculine and feminine traits, were also spoken about. Twenty-eight percent or 14 of the 50 respondents said gender made no difference; another 26 percent or 13 of the 50 respondents said they did not know whether gender made a difference.

The answer most frequently given was that gender made no difference; however, for those who thought it did, the terms reflected some commonly held beliefs about the

differences between women and men. Men used seven terms to describe women and four terms to describe themselves. Women used 18 terms to describe themselves and 13 terms to describe men.

Men identified the following about women:

- Women value communication and are better at it than men.
- Women are process oriented.
- Women are more self-actualized than men.
- Women act according to their priorities and values.
- Women judicial educators are more interested in gender-related and social issue topics than are men.
- Women value relationships more than men.

Men identified the following about themselves:

- Men value quantitative products more than women do.
- Men value change more than women.
- Men work with blinders on, oblivious to their environment.
- Men value success more than women.

Women used the following terms to describe themselves:

- Women are content oriented.
- Women value change.
- Women are brighter than men.
- Women are more politically astute than men.
- Women share power and knowledge and men do not.
- Women are detail oriented.
- Women are nurturers.
- Women are change agents.
- Women collaborate more than men.
- Women value being appreciated.
- Women are service oriented.
- Women are better communicators than men.
- Women accommodate more than men.
- Women are process oriented.
- Women have higher rates of burnout than men.
- Women act by their priorities and values.
- Women extend themselves more than men.
- Women do a better job than men.

Women used the following terms to describe men:

- Men, more than women, care about where their jobs will take them in the future.
- Men want more independence in their work than women.
- Men must be in control.
- Men are less willing to collaborate than women.
- Men have no process skills.
- Men value quantitative products more than women.
- Men use a critical or business approach to their work and women do not.
- Men use the law-trained, analytical model more than women.
- Men are change oriented.
- Men must have influence.
- Men are more interested in power than women.
- Men always get more compensation for their work than women.
- Men are more combative than women.

Figures 5 and 6 provide a visual depiction of the above mentioned terms. The figures also display the terms according to whether they were commonly attributed to a certain gender. The figures reinforce an earlier statement I made when reporting that perceived value differences by gender were more akin to traditional stereotypes attached to men and women. Here are some comments that further illustrate the point:

Interviewee 1: "I don't really think it makes a difference. But men with families want a career track. They must have a future."

Interviewee 2: "Women value more content of their work and not prestige. They are far more supportive of change. You can have a substantive conversation with women, because they share power and control."

Interviewee 9: "They value it the same, but they are different. Women can smooth things over. They are constantly communicating and accommodating."

Interviewee 19: "We have different personalities, and we value different things. Women value interactions with others; men are more forceful change agents."

Characteristics Commonly Attributed to Women			
Characteristics	Identified by men	Identified by women	Identified by both
Stereotypical			
Collaborate		X	
Detail oriented		X	
Nurturer		X	
Priorities/value			X
Process oriented			X
Accommodate		X	
Communications			X
Content oriented		X	
Extend themselves		X	
Relationships	X		
Appreciation		X	
Burnout		X	
Gender-related issues	X		
Service oriented		X	
Share power/ knowledge		X	
Social issues	X		
Not stereotypical			
Better job		X	
Brighter		X	
Change agents		X	
Politically astute		X	
Self-actualized	X		

Figure 5. Characteristics Commonly Attributed to Women

Characteristics Commonly Attributed to Men			
Characteristics	Identified by men	Identified by women	Identified by both
Stereotypical			
Control			X
Quantitative products			X
Power		X	
Future		X	
Independence		X	
Collaborate less		X	
Critical/business		X	
Law-trained/analytical		X	
Influence		X	
Success	X		
Change agents			X
Not stereotypical			
No process		X	
Blinders	X		

Figure 6. Characteristics Commonly Attributed to Men

Effect of Educational Background

Next, the respondents considered educational background. Nine terms emerged for law-trained judicial educators and six for nonlaw-trained judicial educators. Five additional items emerged that were not related to either type of educational background. Similar to gender, the educational background question elicited descriptors that were not directly related to whether education affects how judicial educators value their work.

The answer respondents most frequently gave was that they did not know whether educational background made a difference in what their colleagues valued about their work. Others indicated that educational background made no difference. They said it only determined perspective and approach and had nothing to do with value. Still others indicated that competency and familiarity with the court system and legal issues were the only important things to consider. Three others unequivocally said that any separation by educational background was a phony issue.

However, some of the respondents thought that educational background made a difference. Eight respondents thought that law-trained judicial educators favored concrete law issues over other topics. In addition, they thought law-trained judicial educators enjoyed high constituent recognition. Nonlaw-trained judicial educators were viewed as placing more emphasis on both the educational process and product and developing human potential. What follows are comments pertaining to the respondents' views on the effect of educational background.

Interviewee 14: "I think it is a huge mistake to have a law-trained person in this position. First, law-trained people learn adversarial skills and minimize process. A background in education brings better programs and better human dynamics. Programs are of higher quality when there is a comprehensive understanding of adult learning."

Interviewee 6: "Law-trained and nonlaw-trained people may be different in what they do, but that is based on structure and not on the work itself. This is a phony issue. I think diversity is good. One is not more qualified than another."

Interviewee 8: "Yes, it makes a difference. A law degree gives you a head start. A law background helps you value the work more. It gives you experience with power people."

Effect of Length of Experience

Judicial educators considered the effect of length of experience on the value of the work. Again, the most frequently given answer was that judicial educators did not know the effect of length of experience. However, of those who did have an opinion on this question, 28 percent indicated that judicial educators become more self-directed with experience.

Effect of Organizational Placement

The fourth item judicial educators considered was how their colleagues valued their work, based on where their organizations were housed. The vast majority of the judicial education organizations are situated within the supreme court structure, usually within the administrative office. However, a handful are placed in law schools or universities. An even smaller number are independent organizations established by articles of incorporation. Because of the differences, I asked judicial educators about whether they thought the structural placement affected how the work was valued by their colleagues.

The terms that emerged, like the others in this section, are more akin to a list of characteristics attributable to the three organizational types. The most frequently given response was that of administrative office division. This term implied that judicial education managed from a division of the state court administrative office offered the highest visibility and credibility, and it signaled a commitment from the supreme court for continuing

education. The next most frequently given answer was that the judicial educators did not know whether organizational placement made a difference in what they valued about their work. The answers did not directly address the question of whether organizational structure made a difference in how judicial educators valued their work, but it did establish that judicial educators thought that judicial education should be prominent in the state court structure. The following comments are offered to illustrate the findings.

Interviewee 1: "It's critically important that it be in the administrative office. We can be much more responsive when we are more closely involved with what is going on in the courts. Judicial education must be integrally involved with the courts as a learning organization. Judicial education can transform the courts and society."

Interviewee 19: "It must be high profile within the court. Then it has the force of persuasion and formal and informal authority."

Interviewee 22: "The ideal is to be able to solicit outside financial support, thus being independent while still under the court umbrella."

Interviewee 26: "Yes, it is better for it to be in a university or law school. Because when budgets take a hit, it is the first thing to go. It is seen as a noncritical function."

Interviewee 36: "I am in favor of law schools. The administrative office and supreme court give directions on what to do and what not to do without any vision. In the law school, you are encouraged to use all of your resources to enrich judicial education. Law schools take pride in public service."

Interviewee 44: "They value the same things, but administrative offices are inherently unstable, you never know which end is up."

Effect of Audience Composition

The last item I asked judicial educators to consider was whether audience composition made a difference in what judicial educators valued about their work. Fifty-four percent or 27 of the 50 respondents reported that judges were most important. Twenty-eight percent or 14 of the 50 respondents said they did not know whether audience composition made a difference in what judicial educators valued. Eighteen percent or 9 of the 50 respondents said that all audiences are important. The findings are shown in Table 13.

Table 13. Perceptions on Whether Audience Made a Difference in What Judicial Educators Valued About Their Work

Value	Frequency	Percent
Judges important	27	54
Does not know	14	28
All audiences important	9	18

Valid Cases=50

The following summarizes the findings for this research question.

1. Just one individual item received a high response rate. Fifty-four percent or 27 of the 50 respondents believe that judges are the most important audience. In addition, the value of judicial education was believed to be more important when judges are part or all of the audience composition.
2. The response "does not know" was the most frequently given answer for whether value is affected by gender, educational background, experience, or organizational placement.
3. Many judicial educators believed that differences exist based on the previously mentioned four factors. They gave a variety of reasons; however, they never indicated whether the differences they identified affected the value judicial educators place on their work. None of the items had high response rates.

Research Question 6: Do Judicial Educators Believe That the Value Attributed to Judicial Education Has Changed Over the Past Ten Years (1986), and Do They Think It Will Change Over the Next Ten Years (2006)?

The purpose of this question was to determine whether there was a perception that the value of judicial education has changed over time. First, I asked the judicial educators to talk about the value of judicial education in their state ten years ago. Fifty-eight percent or 29 of the 50 respondents reported that they were not in judicial education ten years ago. Four percent or 2 of the 50 respondents said there was no judicial education in their state ten years ago. Another 6 percent or 3 of the 50 respondents said they did not know what the value of it was. Consequently, most of the respondents could not provide any insight into the value of judicial education in 1986.

The remaining respondents provided some information. Fourteen percent or 7 of the 50 respondents indicated that judicial education programming provided fundamental skills and abilities. Eight percent or 4 of the 50 respondents said it was informational. Twelve percent or 6 of the 50 respondents perceived that judicial education had a low value; whereas 4 percent or 2 of the 50 respondents indicated that it had a high value. The responses are shown in Table 14.

Table 14. Value of Judicial Education Ten Years Ago (1986)

Value	Frequency	Percent
Not in judicial education ten years ago	29	58
Fundamental skills and abilities	7	14
Low values	6	12
Informational	4	8
Does not know	3	6
Did not exist	2	4
High value	3	4
No value	1	2
Socialization	1	2

Valid Cases=50

Most of the respondents went directly into their perceptions about what value judicial education would have in 2006. Nine terms surfaced.

What the judicial educators reported most often was that technological change would have the biggest effect on the value of judicial education in 2006. The next highest response was that they did not know what value judicial education would have. A distant third was the belief that judicial education would be valued for its ability to improve the court system. The following comments provide further insight.

Interviewee 45: "Technology will make the biggest changes. Information will be made available electronically and they can get it continually. That is a positive. The negative is that judges and court people will be more isolated and will need to come to a retreat community."

Interviewee 46: "I don't have a handle on this."

Interviewee 50: "Quality creates its own demand. Make things better and you become more important."

Table 15. Perceived Value of Judicial Education Ten Years From Now (2006)

Value	Frequency	Percent
Technological change	18	36
Does not know	16	32
System improvement	9	18
Public accountability	7	14
Learner-directed education	4	8
Social/cultural change	3	6
Value professional education	3	6
Global change	2	4
Professional status	2	4

Valid Cases=50

In sum, not much was known about the value of judicial education ten years ago, as more than half of the respondents were not in the occupation then. The responses were quite evenly split between those who could not project a value ten years into the future and those who firmly believed that technology would increase the value of judicial education.

Research Question 7: What are the Elements that Judicial Educators Perceived Made a Profession, and How Many of the Elements of Professional Status Does Judicial Education Possess?

In the literature on occupations and professions, eight elements have been identified that must be present for an occupation to obtain professional status. These elements were fully described earlier. They are:

1. Obtaining abstract knowledge through extensive specialized education and training for the purpose of solving human problems (Abbott 1988).
2. Applying abstract knowledge to the problem-solving process of diagnosing, treating, and inferring in a way that is not routine, thus maintaining power and control over problem solving (Abbott 1988).
3. Ensuring autonomy by claiming and holding jurisdiction through means such as obtaining expert knowledge, skilled application of expert knowledge, licensure, ethics codes, statutes, case law, media manipulation, and public relations (Abbott 1988).
4. Serving high-status clients; or, not being involved in client service at all, but rather serving other professionals (Abbott 1988).

5. Professional prestige is almost equivalent to organizational prestige (Larson 1977).
6. Connection to the right networks that ensure sponsorship to the top of the organizational hierarchy (Larson 1977).
7. Recognition by peers (Abbott 1988).
8. Increased earning potential (Abbott 1988).

I asked the judicial educators to tell me, on a scale of one to five, the extent to which judicial education possessed each of the eight elements. All of the mean responses were within the 3.00 range except for Elements 4 and 8. Element 4 referred to working with high-status clients. The mean response to that element was 4.39. Element 8 referred to judicial education providing increased earning potential. The mean response for that element was 2.52. The responses are shown in Table 16.

Table 16. Acquisition of Professional Status Elements

Status Elements	Mean
Serving high-status clients	4.39
Recognition by peers	3.91
Professional status influenced by organizational status	3.86
Applying abstract knowledge	3.66
Connection to right networks	3.55
Obtaining abstract knowledge	3.30
Ensuring autonomy	3.09
Increased earning potential	2.52

Valid Cases=50

I asked the judicial educators to think about what other elements they thought made an occupation a profession. They were also asked to consider whether judicial education had those elements. They provided a list of 15 elements they thought judicial education needed in order to gain professional status. In their estimation, judicial education did not possess the additional elements. Forty-eight percent or 14 of the 50 respondents did not have any professional elements to add to the list. The findings are shown in Table 17.

Table 17. Indicators of Professional Status Not Held by Judicial Education

Indicators	Frequency	Percent
Does not know	24	48
Universally accepted definition of judicial educator	7	14
Certification	6	12
Universally accepted standards of the work	6	12
Code of ethics	5	10
Specific body of knowledge	5	10
Universally accepted definition of the work	5	10
Recognition	4	8
Continuing education requirements	3	6
Promoting association	2	4
Believe it is a profession	1	2
Impacts society	1	2
Independent	1	2
Prerequisite education requirement	1	2
Self-regulating	1	2
Universally accepted value to constituency	1	2

Valid Cases=50

The final question I asked the respondents on this subject was their opinion of how close they thought judicial education was to obtaining professional status. On a five-point scale, the mean response was 3.16.

In sum, judicial educators believed that, to a great extent, they already possessed one element of professional status—serving high-status clients. Six of the other items fell at the mid-point, which indicates that they believed they were about half-way to fully achieving the professional status elements. One item, increased earning potential, was slightly below mid-point on the five-point scale.

Some of the judicial educators thought that judicial education lacked certain elements that would grant it professional status. Nearly all of the items they discussed have been deemed important by researchers if an occupation is to achieve professional status. Judicial educators offered the following comments about status and judicial education.

Interviewee 2: "This group needs an association that promotes growth. NASJE doesn't do that. NASJE is not worth a big investment in time or money. We need an organization that is dedicated to professional growth. It should be promoting professional development."

Interviewee 4: "Standardization for judicial educators. Because someone is good doesn't mean they are good educators. Most professions have a sense of oneness. Judicial education doesn't have this. I'm not sure we are capable of it. There is no common ground."

Interviewee 6: "It needs a specific body of knowledge and a place to get it. There is no prerequisite background and no place to get it. It doesn't have a code of ethics. To this point, judicial education has developed in an ad hoc way. NASJE is the single reason why judicial education has progressed at all."

Interviewee 15: "Judicial education needs a continuing education requirement for us."

Interviewee 16: "I can't answer what judicial education needs to become a profession. I don't know."

Research Question 8: What are the Strengths of and Obstacles Faced by Judicial Education as it Strives to Achieve Professional Standing?

I asked the respondents to consider which strengths judicial education had that would assist it in obtaining professional standing. Also, I asked them to think about what obstacles are facing judicial education that might prevent it from achieving that standing. Several terms surfaced that describe both. Seventeen terms emerged when respondents discussed the strengths of judicial education.

Commitment to professionalism surfaced most frequently. Twenty-eight percent or 14 of the 50 respondents believe that judicial educators have a strong commitment to professionalism, and that this commitment is what will elevate the occupation. Quality programming was talked about by 18 percent or 9 of the 50 respondents, and another 18 percent or 9 of the 50 respondents indicated that they did not know what strengths judicial education had that would help it achieve professional status. The findings are shown in Table 18.

Table 18. Strengths of Judicial Education That Promote Achievement of Professional Status

Strengths	Frequency	Percent
Commitment to professionalism	14	28
Does not know	9	18
Quality programming	9	18
Address court complexity	6	12
Constituency advocates	6	12
Change agent	5	10
Role of the judge	5	10
Networking	4	8
National advocates	3	6
International judicial education	2	4
Public expectations	2	4
Small size	2	4
Value of professional education	2	4

Table 18. Strengths of Judicial Education That Promote Achievement of Professional Status (con't)

Strengths	Frequency	Percent
Distance education	1	2
Judicial education institutionalized	1	2
Mandatory judicial education	1	2
Mentoring	1	2

Valid Cases=50

The last issue I discussed with the respondents was the obstacles faced by judicial education in achieving professional status. Seventeen terms were used to describe the obstacles.

The four most frequently mentioned obstacles were unstable support (32 percent or 16 of the 50 respondents), lack of clear identity (26 percent or 13 of the 50 respondents), too small to become recognized (24 percent or 12 of the 50 respondents), and the perception that judicial education is hidden work (22 percent or 11 of the 50 respondents). The findings are shown in Table 19.

Table 19. Obstacles to Judicial Education That Prevent Achievement of Professional Status

Obstacles	Frequency	Percent
Unstable support	16	32
Lack of clear identity	13	26
Too small	12	24
Hidden work	11	22
No certification or required credentials	7	14
No public relations effort	6	12
Lack of autonomy	5	10
Does not know	4	8
Lack of mobility	4	8
Lack of recognition	4	8
Limited to definition of judicial education	3	6
Devaluing education	2	4
No leadership	2	4
No universally accepted standards	1	2
Pioneering effort	1	2

Valid Cases=50

In sum, several strengths and obstacles surfaced during the interviews. No one item had a high frequency. The identified strengths were varied; none was directly related to the elements of professional status addressed earlier. However, many of the obstacles identified by the respondents included or related to elements that must be present if an occupation is going to become a profession. Some comments related to the identified strengths are offered here.

Interviewee 3: "It can prove to be a major factor in creating change."

Interviewee 19: "An increased incidence of professional degrees—more law degrees and doctorate degrees are important. An increased reliance on education to make courts prepared for change. That is a strength."

Interviewee 36: "It has a unique service mission. It needs to be better articulated."

Interviewee 43: "Judicial educators network and are committed to professionalism."

Comments related to the obstacles faced by judicial education follow:

Interviewee 3: "It's not viewed as an essential function."

Interviewee 44: "There needs to be a universal recognition, qualitative control over the work, and fiscal stability. Judicial education has none of these."

Interviewee 47: "There is no place to go. All career ladders lead out."

Interviewee 48: "People don't recognize the expertise. Everyone thinks they are teachers. Look at the status of education in the country."

Interviewee 1: "The profession is narrowly defined. Fifty people will never make it. Must recognize all who contribute so we can expand our boundaries."

Discussion of these results, conclusions, and recommendations for future research are in Chapter Four.

CHAPTER FOUR

Discussion and Recommendations

In this study, I identified the duties of judicial educators, explored the value placed on judicial education, and determined the extent to which judicial education has achieved professional status. A discussion of the findings and conclusions drawn from the findings are presented in this chapter. The chapter closes with recommendations for further study.

What is the extent to which judicial education has achieved professional status at this moment in its history? To answer this question, I revisit the professional status elements by discussing the findings related to each element. In so doing, all of the findings are presented and discussed.

Discussion of Findings

Element 1: Obtaining Abstract Knowledge Through Specialized Education and Training for the Purpose of Solving Human Problems (Abbott 1988)

Specialized knowledge obtained through extensive education and training is a fundamental element of professional status. It relates directly to how professions establish jurisdiction and maintain power and control. Although the judicial educators in this study were highly educated (i.e., 88 percent or 44 of the 50 respondents possessed master's, law, or doctorate degrees), they did not have specialized knowledge acquired through extensive training in judicial education because neither exists. The judicial educators identified this as a problem. They reported that hindrances to judicial education achieving professional recognition are due to the following: no prerequisite educational requirement for entering the field, lack of certification in judicial education once in the field, no continuing education requirements, and no specific body of knowledge to draw upon.

The judicial educators relied on other knowledge bases to do their work. They primarily used the theories and practices of education, management, and the law. The following comments provide further explanation.

Interviewee 1: "We use plenty of expert knowledge, but it's not our own. Depending on what we're doing, we will use the law or management or adult education. We integrate these and others to meet our needs."

Interviewee 23: "Knowledge and the use of it is what makes us experts at our work. We are growing our own knowledge base. However, I believe we will always use other knowledge

bases, because we have to know a lot about a whole range of subjects. I don't know what this means for us."

The description of judicial education arrived at through this study further explains why multiple knowledge bases are used. Judicial education is primarily involved with the administration of the judicial education organization and the development and delivery of educational programs and products. Much of the work is managerial in nature. It focuses on personnel, budgets, policy making, planning, evaluating, and other related activities. The rest of the work is dedicated to developing, implementing, and evaluating continuing education for judges and court personnel. The continuing education duties include such activities as needs assessments, program and curriculum development, determining faculty and delivery technologies, and evaluating results. Judicial education often involves working with boards and committees, which represent the client groups being served. Also, included in judicial education are duties for the entire judicial branch. This work involves management, legal, regulatory, and public relations responsibilities for the state court administrative office and the supreme court. Only 18 judicial educators reported having these extra job responsibilities. Nonetheless, this further demonstrates an additional facet of the work included in this occupation.

Judicial education is a hybrid occupation in that it requires knowledge, skill, and ability in management, professional continuing education, and the law. These requirements are needed just to execute the duties in judicial education. When the work extends outside of judicial education, this further reinforces its hybrid status.

Whether judicial education can integrate the theories and practices of management, education, and law in such a way that it develops a new specialized knowledge base; or whether it can solidify its position and protect its jurisdiction without a specific and specialized knowledge base, is an issue to monitor. Given the fundamental importance of specialized knowledge to professional status, judicial education rests on a weak foundation.

Another issue related to the lack of extensive education and training in an area of specialized knowledge is that there are no universally agreed upon educational qualifications for entry into the occupation. Consequently, judicial education loses one of the necessary control mechanisms that professions have—control over who enters and practices the profession. This is an important control and has the potential to affect judicial education's acquisition of the rest of the status elements.

Without agreed upon educational requirements, how does a person gain credentials to enter judicial education? Judicial education is probably like other occupations without formalized education and training. Those who do the hiring look for a constellation of (1) educational degrees that ensure the ability to engage in critical reasoning, analytical thinking, problem solving, and the like; (2) experience in a similar position; (3) experience in the same

organization, but not necessarily with the same responsibilities; and/or (4) demonstrated ability to take on progressively more difficult and challenging responsibilities.

The judicial environment provides examples of this situation. Judges in the United States obtain their positions without specialized education or training in being a judge. They come to the bench through election or appointment. Once they are in the position, they receive training through prebench orientation programs, new-judge seminars, and/or judicial mentoring. The same is true of court administrators. They receive their specialized education and training after they are in their positions.

Perhaps the judicial system itself is a hybrid, calling upon several professions, occupations, and disciplines to function. Other organizations are likely in the same situation. This is what Larson (1977) referred to when discussing large organizations in advanced capitalism being beholden to many professionals with diverse backgrounds who keep the organizations operating. New sociological studies on professional work are needed to determine how contemporary organizations select and train employees when the work requires specialization in several disciplines and no prerequisite formalized education is available.

Element 2: Applying Abstract Knowledge to the Problem-Solving Process of Diagnosing, Treating, and Inferring in a Way That Is Not Routine, Thus Maintaining Power and Control Over Problem Solving (Abbott 1988)

Judicial educators apply abstract knowledge. However, what, when, and how it is applied is not known; because there is not a singular knowledge base that guides the process of diagnosing, treating, and inferring. Therefore, the extent to which judicial educators can maintain power and control over problem solving is not known.

Judicial educators reported some basic problems with judicial education that makes it very difficult to maintain power and control. According to the respondents, judicial education lacks definition. They indicated that judicial education lacks a universally accepted definition of what judicial education is and who judicial educators are. Also, they reported that the practice of judicial education has no universally accepted standards. This lack of clarity about what judicial education is, how it is done, and who does it must be settled before it can ever become recognized as a profession. Perhaps these problems are not insurmountable, but they must be addressed. Without addressing them, judicial education is likely to have identity problems into the foreseeable future. These identity problems will certainly interfere with all aspects of professional status.

Judicial educators through their professional association, NASJE, have attempted to maintain power and control over judicial education by issuing definitions, principles, standards, and guidelines. This study indicated that what the association has done has not

resulted in universal acceptance. However, it is more than likely that the extent to which judicial education can diagnose, treat, and infer in a nonroutine way is a result of the foundation built by the association. Whether that foundation is strong enough to maintain control over the work as time passes is yet to be seen.

Element 3: Ensuring Autonomy by Claiming and Holding Jurisdiction Through Means Such as Obtaining Expert Knowledge, Skilled Application of Expert Knowledge, Licensure, Ethics Codes, Statutes, Case Law, Media Manipulation, and Public Relations (Abbott 1988)

Ensuring autonomy by claiming and holding jurisdiction is a critically important element to professional status. If an occupation cannot claim and hold jurisdiction, it has nothing. The means through which this is accomplished is problematic for judicial education. Judicial education does not rest on its own expert knowledge, even though it does apply expert knowledge from other professions or occupations. Therefore, judicial education starts from a place of weakness.

The rest of the means for ensuring autonomy are equally difficult for judicial education. No license is required to practice judicial education in any of the 50 states.

Judicial education does not have a code of ethics. Not having a code of ethics was identified by the respondents as a hindrance to achieving professional status.

For several reasons, media manipulation and public relations efforts are not likely to be employed in the near future. First, judicial educators identified that one of the obstacles to achieving professional status is the fact that judicial education is hidden work inside of a little-known and little-understood organization. Second, the occupational group is too small to gain widespread societal recognition and support. Third, judicial educators indicated that occupations gain professional status when they have a noticeable influence on society. And even though some see national funding sources and advocates and the spread of the American model of judicial education to other developing countries as a promising sign, it is not enough to off set what judicial education does not have in terms of public exposure.

Fourth, the distance that judicial education extends itself from its center is very short. When the judicial educators were asked to identify what others value about judicial education, their answers were interesting. The most interesting and troubling aspect is that they did not know very much about how others value judicial education. If value equates to status and status is critical in obtaining professional recognition, judicial educators have neglected an important aspect of the development of their occupation. Without knowledge about or understanding of the value of judicial education and its sphere of influence, judicial educators cannot develop a strategy that will enable them to achieve professional status.

The “others” that judicial educators were asked to consider were their significant others/partners, friends, organizational peers, judicial educator colleagues, supervisors, audiences/client groups, state legislators, and the general public. The results of this study suggest that judicial education is virtually an unknown. Judicial educators reported that the public knows nothing about judicial education, and that state legislators know only slightly more than nothing about it. Even friends of judicial educators know very little about what they do. Therefore, judicial educators cannot expect to obtain great support from outside of the judiciary. Within the judiciary, the respondents reported that their audiences—their client groups—valued their work the most. All but seven judicial educators were able to identify what their clients valued; and how much they valued it. The findings with regard to peers and supervisors were less impressive. Thirty-three out of the 50 respondents (66 percent) reported that they did not know what their organizational peers valued, their organizational peers did not value the work, their organizational peers did not know what the work was, or they did not have any organizational peers. Twenty out of the 50 judicial educators (40 percent) reported that their supervisors did not value judicial education, their supervisors did not know enough about the work to value it, the judicial educators did not know what their supervisors valued, or the judicial educators did not have a supervisor. When queried about significant others or partners, the judicial educators most frequently responded that they believed their partners valued their role as change agents. Although support from intimates may be personally important, it will not cause judicial education to gain professional status.

As for the role of case law and statutes in gaining power and control over problem solving, some progress has been made. In many states, there is mandatory education for some court groups. In *Issues and Trends in Judicial Education*, Hudzik (1995) addressed mandatory education and found that it varies widely from state to state; it does not have a consistent meaning; there is disparity in the degree to which the requirements are compulsory; and the authority that makes judicial education mandatory usually comes from court rule or court order, and thus it is mandated as internal rather than external to the system. However, some states do mandate continuing education through statutes enacted by the legislature. This may signal the beginnings of public recognition and accountability, which may eventually extend to judicial educators.

Judicial education may have a difficult time claiming and holding jurisdiction for all of the reasons just mentioned. Further, the respondents reported that judicial education must become independent and be self-regulating if it ever hopes to gain professional status. Certainly, these two items are important to claiming and holding jurisdictional boundaries. However, there is an even greater threat to the jurisdiction—the variation in what is considered judicial education work. As previously discussed, if more and more judicial educators devote time to doing work for the entire judicial branch, the jurisdictional boundaries of judicial education become more blurred, and depletion of human and fiscal resources may result. This variation in what judicial educators do has both positive and negative implications, which will be discussed under the other applicable elements.

Element 4: Serving High-Status Clients or Not Being Involved in Client Service at All, But Rather Serving Other Professionals (Abbott 1988)

The two client groups of judicial education are judges and court personnel. Judges are considered the most important client group because of their status and their role in administering and dispensing justice. In addition, training judges extends prestige to the educational programs and projects. This is an important factor and one that helps judicial education achieve this professional status element.

Court personnel are also viewed by judicial educators as important clients. However, they have less internal and external status and importance than judges. Consequently, they receive less attention.

High-status clients can lend credibility to an occupation wishing to establish itself as a profession. In the case of judicial education, the primary client group has greater status than those serving the client. As long as judges support judicial educators and judicial education, it is likely that the occupation will survive through the extension of judicial status. Should judges withdraw their support, judicial education could be seriously wounded or face extinction.

Element 5: Professional Prestige Being Equivalent to Organizational Prestige (Larson 1977)

Judicial education is placed in or associated with a prestigious organization—the judicial branch. This placement has both positive and negative implications. There are also implications that cannot yet be evaluated in terms of their effect on judicial education's gaining professional status.

One implication of this placement is that it can trigger identity and/or survival struggles for judicial education. Judicial education is a continuing education enterprise, which is usually not an academic-outreach initiative housed in an educational institution. Rather, it is a specialized activity situated within a legal institution. Consequently, the court has one identity and judicial education has another. The court identity is one of administering and dispensing justice, whereas the judicial education identity is defined by its educational responsibilities. The resulting effect is that judicial education resides within a culture that does not necessarily strengthen or expand its continuing education identity. This situation can inhibit judicial education ever establishing a strong identity that can solidify its jurisdictional boundaries and exert control over the work. In addition, the court, as a legal institution, is identified with the profession of law—a long-standing and well-recognized profession. This factor compounds the problem for judicial education in that it resides within a powerful institution with a separate identity, and that institution is already aligned with an equally powerful profession.

Because of these two factors, judicial education functions within a power imbalance. This suggests that judicial education exists because the organizational power structure allows it to exist. That is not to say that judicial education does not provide an important service. But it does raise the question of whether judicial education can resist changes imposed by the state court organization, or whether it can protect itself against a take-over bid by the legal profession.

Although this power imbalance can have grave implications, another factor is present that may ameliorate its effects. Increasingly, judicial educators are called upon to do work for the state court administrative office or the supreme court. The positive aspect of judicial education involving work of the larger judicial branch is that it makes judicial education and judicial educators more important, more visible, and more intimately involved with the people and issues confronting the third branch of government. This increased presence means that it avoids the hazards of being relegated to the margins of the judicial branch. By residing more closely to the center, judicial education receives more visibility and more importance. This increased exposure has the likely benefits of strengthening, expanding, and promoting the jurisdictional boundaries of judicial education.

This situation also has the potential to more closely align and make invaluable the judicial educator within the larger court structure, thus elevating the prestige and importance of the judicial educator. In this case, the prestige of the judicial system is greater than any individual who works within it. Therefore, judicial educators can greatly improve their recognition or prestige by becoming more involved in the larger judicial system. This increased exposure may also connect the judicial educator to the right networks that can ensure sponsorship up the organizational hierarchy, professional-status element 6 (Larson 1977). It can also increase the judicial educator's recognition and long-term earning potential, professional-status elements 7 and 8 (Abbott 1988).

Consequently, moving judicial education from the margins to the center helps lessen the power imbalance, gives the judicial educator more prestige and more opportunity for promotion and increased salary, and provides an opportunity for judicial education to strengthen its position within the judicial branch by becoming more visible and involved in branch-wide matters. As suggested, several professional-status elements would be met by judicial educators' becoming more involved with larger court issues. In fact, this involvement could result in judicial educators' finding other problems they can apprehend, diagnose, treat, and solve. And, by so doing, the boundaries of judicial education could be expanded.

The potential problems with judicial education and judicial educators becoming more involved in the larger judicial branch must be explored. If judicial education expands beyond its purpose of continuing education for judges and court personnel, it runs the risk of stretching itself so far that it can neither define nor defend its jurisdictional boundaries. With weakened boundaries, it becomes ripe for takeover. As stated previously, the hybrid nature of judicial education, the lack of a specialized knowledge base, and the organizational power

imbalance make it difficult for judicial education to establish itself. Therefore, any situation that has the potential to deteriorate its boundaries lessens the possibility of judicial education establishing itself as a profession.

Another way expanded duties may be detrimental is that this reduces the human resources dedicated to building and strengthening judicial education. An emerging occupation, which strives for professional recognition and status, usually cannot withstand a diminishment of human, monetary, or political resources.

There are both positives and negatives for judicial education as it becomes more closely aligned with its parent organization—the judicial branch. Obviously, it receives more prestige and status through this alignment. However, it also runs the risk of becoming diluted by the demands of this powerful organization.

Element 6: Connection to the Right Networks That Ensure Sponsorship to the Top of the Organizational Hierarchy (Larson 1977)

Judicial educators who wish to be promoted within the state court system can likely increase their opportunities by increasing their exposure and recognition within the state court administrative office and the supreme court. Therefore, moving from the margins to the center and working on problems confronting the judicial branch would help achieve this element. In addition, judicial educators have a great deal of exposure to the most prestigious members of the court system. If they choose to use this exposure to their advantage, they could likely be networked to the top of the organization.

Element 7: Recognition by Peers (Abbott 1988)

Recognition by peers is unknown as most judicial educators did not know whether their organizational peers valued their work. Also, they did not know what their judicial educator colleagues valued about their contributions to judicial education. This lack of knowledge about what these two groups value suggests that recognition has not been expressed in overt ways.

Element 8: Increased Earning Potential (Abbott 1988)

The respondents said that judicial education will not likely increase their earning potential. Judicial educators identified unstable financial support of judicial education as an obstacle to obtaining professional status. Without stability in budgets, it is likely that judicial educators will continually be apprehensive about their own financial futures. In addition,

judicial educators pointed to the fact that there is no career ladder in judicial education. Thus, working in this occupation can be a dead-end job for many.

Perhaps the only way judicial educators can get higher salaries and create a career path is through assuming more work for the judicial branch. This strategy has other complications, as previously discussed; but it has the potential to be more lucrative for the judicial educator.

In concluding this section, I reported the mean responses of the judicial educators pertaining to the extent to which judicial education has obtained the eight professional-status elements. Six elements fell within the three-point range out of a possible five points: obtaining abstract knowledge, applying abstract knowledge, ensuring autonomy by claiming and holding jurisdiction, the relationship between organizational and professional prestige, connection to networks that can facilitate promotion, and peer recognition. Only two elements were outside of that range. Judicial education serves high-status clients; hence the respondents gave this a mean of 4.39. Thus, judicial education has acquired at least one professional-status element. However, judicial educators did not believe their occupation would increase their income potential, so this element received a mean of 2.52.

These eight universally accepted elements must be present to a high degree before an occupation can achieve professional status. The responses of the judicial educators suggest that judicial education has not yet reached this status. In addition, when judicial educators were asked how close they thought judicial education was to achieving professional status, the mean response was 3.16. This indicates that judicial educators realized they had much more work to do before their occupation can become a profession.

There is one factor that might help—the commitment judicial educators have to professionalism. (Note: The term “commitment to professionalism” is defined in appendix K). This factor was the most frequently identified strength of the occupation. However, only 14 judicial educators identified commitment to professionalism as a strength. A commitment to professionalism from the majority, in combination with a strategy, can help judicial education achieve professional status. Without both, it is unlikely that judicial education will get beyond where it is now in terms of recognition and standing.

Judicial Education and Models of Profession

The last question to address is which professional model judicial education more closely resembles. Does it follow the traditional-service model or the Marxist power and control model?

The Traditional-Service Model

The cornerstone of the traditional-service model is a service ideal. Service ideal is defined as a calling expressed through the practice of a learned art in public service (Pound 1949). In 1970, Moore enumerated the attributes of the service model as follows:

1. Application of abstract knowledge to solving human problems is also accompanied by autonomy to apply knowledge, which results in elevated status, prestige, increased earning potential, client trust, and entry into a distinctive occupation with normative and behavioral expectations.
2. Lengthy training required to join the profession.
3. Willingness to become part of and adhere to a professional collective; the willingness to work long hours in client service.
4. Commitment to norms and standards.
5. Identify with and feel loyalty for professional peers.

The Power and Control Model

The attributes of the power and control model are not unlike those of the traditional service model. It is the interpretation that is different. In the power and control model, professionals are a class bound together by education, given the privileges of traditional intellectuality, and situated with the power elite (Larson 1977). When professions are defined this way, they attain market power just like other elite classes. This elite class uses knowledge to dominate and exploit clients. They establish or attempt to establish monopolies centered on the application of their expert knowledge.

Judicial Education and the Models

The placement of judicial education within either model rests on whether it uses status to promote service or whether it uses status to promote power and control to achieve client dominance. To determine where judicial education stands on this issue, I returned to what the respondents valued about their work.

The judicial educators valued their work highly. In fact, the only value question in this study that resulted in a firm response was related to this issue. Eighty-eight percent or 44 of the 50 respondents said they valued most being agents of change. The description of change agent, as it emerged from this study, follows: Judicial educators like to make change happen. Either the idea or reality of making a better justice system is a treasured value.

Creating a better justice system is described as making the court environment a better place to work, improving the quality of service, improving the quality of judicial decision making, leading judges and court personnel into the future, increasing the timeliness of justice and efficiencies of the courts, and ensuring that human rights are always guaranteed through the enforcement of laws and constitutional rights. Acting as a change agent is also referred to as holding a service value, being a servant to the public, and serving the greater good.

For the most part, the judicial educators did not value power, control, or autonomy to any great degree. Therefore, one can conclude that their intention was not to establish a monopoly that controls their clients. Even if the intention was present, it is unlikely that they would be able to establish power and control over judicial education clients. In conclusion, at this point in its development, judicial education holds a service ideal. Thus, if judicial education achieves the professional-status elements and maintains the service ideal, it will more closely resemble the traditional-service model of the professions.

However, as Geison (1983) insisted, the current models do not "account for the richly diverse forms of distribution of professional groups as we meet them in actual historical experience" (p. 6). Therefore, if new models are developed before researchers revisit judicial education's achievement of professional status, judicial education should be analyzed in the frameworks of the existing and new models.

Recommendations for Further Study

This is the first research to be done on the professional status of judicial education. It has laid the groundwork for further study. This final section contains recommendations for a written follow-up study. It also includes recommendations for new research in the sociology of the professions.

Recommendation 1: The description of what is considered judicial education work should be revisited, building on what was learned in this study. A written survey should be distributed to judicial educators that includes the list of judicial education duties that emerged from this study. The respondents should rank order the importance of the duties and indicate the percentage of time spent on each. The same should be done for nonjudicial education duties. Then a combined list should be given, with the same response options. Space on all three lists should be made available for additional items to be added. The results could possibly provide better information on what judicial educators think is most important and would indicate how much time they spend on each.

Recommendation 2: Supervisors and a sample of the client groups should receive the same lists. They should be instructed to identify the duties they think judicial educators are engaged in, rate how important each duty is, and indicate the amount of time they believe judicial educators spend on each. The results could identify the gaps between perception and

reality regarding the practice of judicial education. Supervisors and samples of client groups are suggested for two reasons. First, the results from this study suggested that supervisors and client groups are the only “others” who know very much about judicial education. Second, they can be accessed.

Recommendation 3: Judicial education staff members should answer the same questions related to job duties as those given to the judicial educators. Their responses could be used to reinforce what the judicial educators identified. Or their results might uncover information that could more fully describe the practice of judicial education.

Recommendation 4: The findings from studies conducted in response to Recommendations 1 through 3 should be used to establish the jurisdiction and boundaries of judicial education.

Recommendation 5: In the follow-up written survey, judicial educators should rank order those items that they value about their work that emerged from this study. Doing so will either reaffirm these findings or provide new information.

Recommendation 6: Supervisors and a sample of the client groups should be asked to rank order those items that were identified in this study as things they value about judicial education. The findings should illustrate what gaps exist between judicial educators’ perceptions and reality. The data about the gaps could be used to develop a strategy to promote the occupation achieving professional status.

Recommendation 7: Using a five-point scale, judicial educators should rate the extent to which they perceive that their gender, law training, nonlaw-training, and length of experience make a difference in what their supervisors and client groups value about their work and how much they value it.

Recommendation 8: Supervisors and a sample of the client groups should be asked the same question as in Recommendation 7. The findings should help determine whether any perceptual gaps exist, and whether those factors are issues in determining the effect judicial educators may have.

Recommendation 9: Judicial educators should be asked whether they rely on the knowledge bases of management, education, and the law; and if so, how much. Then, they should be asked which knowledge base they believe to be the most important in their work. The results could be used to determine whether, in practice, there is a predominant knowledge base upon which judicial education rests.

Recommendation 10: Judicial educators should be asked to rank order the eight elements of professional status, and the additional elements they identified in this study for

the purpose of determining which elements they think should be addressed first in an effort to obtain professional status.

Recommendation 11: Judicial educators should be asked whether they believe professional status is important for judicial education, and to explain why it is or is not important. If they indicate professional status is important, they should be asked to offer strategies on how judicial education can achieve professional status. If they indicate it is not important, they should explain why. Such information may be developed into a model that judicial education and other emerging occupations could follow to achieve professional status.

Recommendation 12: To determine who knows about judicial education and to find out what they know, a survey should be conducted in each state of bar association members, jurors, court-watcher groups, legislators, law enforcement and correctional personnel, civic and service groups, and others who may attend law-related education events.

Recommendation 13: To determine how much is reported about judicial education, a longitudinal study of the written media in each state capital city could illuminate what, if anything, is printed about judicial education. These last two recommendations would help judicial educators and researchers determine how much and what kind of information about judicial education is in the public domain.

Recommendation 14: New sociological studies on professional work are needed to determine how contemporary organizations select and train employees when the work requires specialization in several disciplines, and no prerequisite formalized education is available.

APPENDIX A

Descriptors and Explanations of Judicial Education and Nonjudicial Education Job Responsibilities

Judicial Education Responsibilities - Management and Administration

Budgeting. Budgeting involved developing, defending, and monitoring budget expenditures.

Interviewee 9: "Budgeting can be very complicated. Money comes from a variety of sources with a variety of strings attached. I have to watch it closely to make sure the money is spent only on those items stipulated by the granting authority."

Interviewee 16: "I do budget administration. You know, manage and defend the budget."

Interviewee 29: "We don't do budgeting here. Every time I want something, I have to make my case to the finance officer. But, I do develop a mini-budget for the item I'm pleading."

Direct/Advise Policy Board. This term involved working with a board or committee for the purpose of setting judicial education policy. The judicial educator's role was either as the chair, a voting member, or as an advisory member similar to an executive director of a nonprofit organization. In any of the three capacities, the judicial educator had a leadership role in shaping and implementing policy.

Interviewee 48: "I run the show, but I have no vote. This was a conscious choice. I can speak my mind. I am the technical expert unencumbered by the role of voting."

Interviewee 4: "As the director of judicial education, I lead from behind. The judges need to have ownership in the programming. They need to show leadership. They don't know adult education or understand the whole picture. That's where I come in and shape the issues for discussion."

Direct Advisory Committee. This responsibility involved establishing and directing advisory committees for the purpose of soliciting field input on setting judicial education programming goals and curriculum development priorities. The advisory committee functions included needs analysis; curriculum planning and implementation; topic, program, faculty, and delivery-method identification; and program and project evaluation. Policy-making was not part of the committee's responsibilities.

Interviewee 30: "Advisory committees are used extensively. On issues requiring policy decisions, the supreme court justices do not want to give away their authority."

Direct Program Committees. This term involved establishing and directing program committees. Program committees advised the judicial educator on audience composition and need, topical content and objectives, educational pedagogy, delivery methods, and faculty for individual program initiatives.

Legislative Input on Judicial Education. Legislative input involved developing or assisting in the development of legislation affecting judicial education. Working on legislative initiatives had many related activities such as advising legislative staffers, testifying in the legislature, collecting field data, analyzing legislation, drafting the supreme court's response to the proposed legislation, and developing implementation plans.

Local Training Network. Local training network pertained to establishing and managing education and training opportunities scheduled at the local court level. Local training was an adjunct to statewide judicial education programming.

Out-of-State Travel. Out-of-state travel involved establishing and managing a process by which judges and court personnel could attend out-of-state educational programming.

Personnel. Personnel matters involved hiring, firing, and supervising personnel. It also involved determining duties, establishing performance objectives, and developing and conducting performance appraisals.

Planning. Planning had two major components. The first was planning the human, financial, and physical resources. The second component was planning curriculum, programs, and projects.

Policy Development. Policy development involved developing, implementing, and monitoring policies for their effect on judicial education and the court.

Publications. Publications pertained to the responsibility of managing a publications function related to judicial education. Judicial education publications included benchbooks, benchguides, monographs, manuals, and periodicals.

Resource Enhancement. Resource enhancement involved finding additional funding and writing grants.

Interviewee 33: "Our entire program is run on soft money. Without grant money there would be no judicial education here. I think the folks appreciate my efforts. I know our administrative director does."

Staff Policy Board. Judicial education responsibilities for this item were described as administrative. Duties included recording meeting minutes, providing informational memoranda, approving expenses, scheduling meetings, and/or shaping and preparing board decisions for supreme court review and approval.

Interviewee 10: "I have little substantive input. It's staff work. It's clerical consisting of logistical arrangements, approving vouchers, monitoring grants, and so on. The judge education side is composed and heavily structured. So, I do this kind of work for judge education. For the court staff, I have a leadership and substantive role. I developed it from scratch. I can be creative there. I suppose others find the judge's work more important, but I enjoy the court staff side more."

Judicial Education Responsibilities—Educational Programming

Approving Invoices. Approving invoices involved the judicial educator's scrutinizing and then authorizing payment of bills related to programming.

Contracting Facilities. This responsibility involved selecting sites and facilities where educational programming could be conducted.

Contracting Faculty. Contracting faculty involved selecting and contracting with individual faculty members for the purpose of developing and presenting topics in educational programming.

Delivery Technologies. Delivery technologies involved selecting and managing the appropriate technology for each program. This responsibility focused on technologies related to teleconferencing, video conferencing, and computer conferencing.

Evaluation. This responsibility involved developing and implementing evaluation strategies for the purposes of determining the quality, worth, or outcome of the educational program or project.

Needs Assessment. This duty involved the responsibility for conducting needs assessments to be used in the development of programs and curricula, planning, and policy

development. Needs-assessment formats involved written surveys; focus groups; trends analysis; literature review of court-related publications, reports, and studies; interviews; and analysis of program evaluation results.

On-Site Program Management. On-site program management involved being responsible for faculty members, facilities, educational staff, and participants during the program.

Oversight of Mandatory and/or Certificate Credits. This responsibility involved approving, monitoring, or tracking participants' attendance at programs that were eligible for mandatory or certificate credits.

Program and Curriculum Development. Program and curriculum development involved the judicial educator's developing comprehensive curricula and individual programs.

Teaching. This item involved teaching at programs developed by the judicial education organization.

Non-Judicial-Education Responsibilities— State Court Management/Administration

Acting State Court Administrator (SCA). The judicial educator was the acting director for the state court system when the administrative director was gone.

Administrative Office (AO) Management Team. The judicial educator was a member of the AO management team. As a member of this team, the judicial educator would meet with all other department heads and the administrative director for the purpose of guiding and directing the priorities and activities of the administrative office of the court. (Note: Administrative Office of the Court is also known as the State Court Administrator's Office.)

Interviewee 2: "I was an independent director, but now I have broad responsibilities for the entire judicial branch. I'm a policymaker for the entire branch. In this role, I have to be a top-notch administrator because of the diverse impact on how the judiciary and administration interact. The future of judicial education rests with making judicial education an integral function of the judiciary. It can't be isolated. Also, as a division director, I get equal status and equal pay with other administrative office directors."

Interviewee 12: "Being involved to this level makes me more well-rounded. I know the whole operation. My input is better. I have more credibility because of my involvement."

Clerks Procedures. Clerks procedures involved developing, disseminating, and providing on-site instruction and technical support related to clerk of court procedures and reporting.

Judicial Branch Budgeting. The judicial educator was responsible for developing, defending, and monitoring budgets related to the state court system.

Judicial Branch Personnel. This term pertained to the responsibilities that judicial educators had for personnel administration beyond judicial education.

Interviewee 27: "I was originally hired to be the personnel director. Soon, I got training as a responsibility. Education became mandatory early-on."

Interviewee 7: "Primarily, I'm the personnel director—develop and administer policy, job-evaluation methods, compensation, employee-relations problems, recruitment, and employee training and development."

Judicial Branch Planning. The judicial educator was involved in statewide court planning.

Judicial Branch Policy Development. This responsibility involved the judicial educator assisting in the development of policies affecting the entire state court system.

Judicial Performance Review. Judicial performance review involved the judicial educator being responsible for managing the performance review of trial judges.

Interviewee 22 : "Evaluation of judicial performance is 40 percent of my time. It is tied to education. The judges are evaluated in intervals—two to four years and six to eight years. Performance review is done by sending the lawyers an evaluation who appeared before the judge over a nine-month period. We compile the data and give it to the judge. We sanitize it so the respondent can't be identified. The purpose is to see how the judge is perceived. Then I develop an education plan to address the deficiencies. Also, we videotape the judge for two days. I share it with a communication expert for consultation. I also share it with an experienced judge for law issues and other court-related things. This is then shared with the governor for reappointment. There are no surprises. I also use courtroom observers to give feedback."

Legislative Input on Judicial Branch Matters. This term involved the judicial educator reviewing, analyzing, and giving recommendations on pending legislation affecting the state court system.

Negotiate Court Contracts. The judicial educator was the negotiator for all state court contracts involving facilities, equipment, and services.

Public Information/Media. This responsibility involved the judicial educator acting as the public information and media-relations officer for the administrative office and/or the supreme court.

Interviewee 12: "As information officer, I educate the public about the court."

Interviewee 14: "In my communications officer role, I do public information, press releases, media responses, setting up media liaisons; and I do media training conferences. We're proactive in media relations. I do briefing books on new initiatives and problems in the courts. In our consumer-relations program, I develop user-friendly brochures for public consumption. I began a clearinghouse of information so people can get what they need."

Study Committees/Task Forces/ Special Projects. Study committees, task forces, and special projects are established by the administrative office or the supreme court. Judicial educators may be assigned to any of these three by either the administrative director or the chief justice. Their responsibilities varied, depending on the charge of the committee, task force, or special project.

Trial Court Performance Reporting. Trial court performance reporting constituted monitoring and reporting the extent to which the trial courts were meeting established performance standards.

NonJudicial Education Responsibilities—Technical/Clerical

Electronic Technology. Electronic technology involved technology projects undertaken by the state court system. Judicial educators with this responsibility were administrators for technology ventures such as establishing web pages; on-line video conferencing; electronic mail conferencing; broadcast technologies; and placing court reports, instructional materials, and benchbooks on CD ROM or high-density disks.

Judges' Financial Statements. The judicial educator collected judges' financial statements and reported any violations or abnormalities to the appropriate authorities.

Interviewee 41: "Judges must file statements of financial interest. These are open to the public. I must keep track of these—1,500 to 1,600 per year. I have to make sure they are filed and correctly completed. I must report on this."

NonJudicial Education Responsibilities—Legal

Judicial Branch Legal Counsel. Judicial branch legal counsel involved duties that law-trained judicial educators had in administrative matters affecting the trial and appellate courts and the administrative office of the court.

Interviewee 1: "I do legal support for the administrative office and the supreme court. It involves lawsuits, administrative-rule making, and risk management on legal procedures."

Interviewee 6: "All attorneys in this office act as legal counselors for the administrative office. I call it the 'warm line.' We take legal calls from court groups. When the supreme court makes a decision, we do memoranda for the affected groups with supporting cases; and we send it out."

Law Library. Judicial educators with this responsibility administered the supreme court law library and managed its employees.

NonJudicial Education Responsibilities—Reporting

Judicial Branch Newsletter. Judicial educators with this responsibility wrote and published the state judicial branch newsletter.

Judicial Branch Reports. Judicial branch reports involved judicial educators being responsible for writing reports pertaining to state court activities.

APPENDIX B

Descriptors and Explanations of What Judicial Educators Valued About Their Work

Ability to Influence. This value pertained to the ability to influence powerful people.

Interviewee 24: "The challenge to develop better judges is high. They are difficult people with large egos. But they make life and death decisions everyday. If I can make them better, then I've made an impact."

Interviewee 48: "I get to influence people who are influential. That is satisfaction."

Interviewee 30: "I value being on the inside of a very powerful branch of government and at a very significant level. I value the ability to influence that."

Appreciation. This term referred to the value judicial educators placed on the appreciation that judicial education audiences expressed for the programming they received.

Autonomy. This term referred to the autonomy and freedom judicial educators had in their work. They reported that their work gave them a certain amount of physical freedom and creative license not enjoyed by other positions in the courts.

Interviewee 19: "I value the complete autonomy and flexible schedule. It is an intellectually stimulating job. I have the freedom to create learning experiences that are on the cutting edge."

Change Agent. Judicial educators reported that they liked to make change happen. Either the idea or the reality of making a better justice system was a treasured value. Creating a better justice system was described as making the court environment a better place to work, improving the quality of service, improving the quality of judicial decision making, leading judges and court personnel into the future, increasing the timeliness of justice and efficiencies of the courts, and ensuring that human rights are always guaranteed through the enforcement of laws and constitutional rights. Acting as a change agent was also referred to as holding service as a value, being a servant to the public, and serving the greater good.

Interviewee 19: "Most importantly, I value being a change agent. There are compelling issues facing judges. The technological, sociological, demographic mix is changing. The cultural, scientific, and technological advances are calling us to change. The best way to

change judicial attitudes is through education. They are not shying away from the change. Neither am I.”

Interviewee 45: “The quality of people who serve as judges and clerks, that’s what I value. We are making a difference. We keep the muni [municipal] court functioning in a timely manner. The muni court is the people’s court. I value, and the judges and clerks value, developing and keeping the public trust. I make a contribution to the uniformity of the courts. So, the public is treated fairly across the state.”

Interviewee 5: “What I do makes a difference in the way justice is meted-out. This is not Pollyanna. Judges and court clerks can’t do their work unless they get the information they need to dispense justice and work the counter. I value that I make a difference. Some judicial educators believe they are better than others because of who they serve. Now, I believe in my work as a public servant.”

Interviewee 6: “In law school I was committed to human rights. So, I came to the courts; because magistrates do justice to more people in ____ than any other group. The court engages in human rights through the fair administration of justice.”

Interviewee 16: “Judicial education is what is going to help us maintain our democratic institutions and independent judiciary.”

Developing Human Potential. Developing human potential was described as the opportunity to contribute to the ethical and moral development of judges, in particular, and court personnel, in general. This term was also used in regard to developing the personal and professional maturity that judges need to dispense justice and for others to administer it.

Interviewee 6: “Education is enormously important to humanize people.”

Interviewee 9: “The courts must address the change that is going on around them. They must be prepared, and that’s my job. The judges must have the moral and ethical fiber to deal with the problems.”

Interviewee 12: “Before, we developed skill. Now, we develop the whole person so they can be personally and professionally sound.”

Interviewee 47: “I value my holistic approach, which improves their professional performance, their human being-ness, family, and community.”

Diversity in Work. This term referred to valuing diversity in the work and flexibility in the work environment.

Does Not Know. This term referred to judicial educators who reported that they did not know what they valued about their work.

Education Process. Education process was described as the creative give and take of surfacing ideas, developing those ideas, and making them a reality. The education process was further described as a community-building exercise in which values were shared and shaped through open communication.

Interviewee 1: "I love watching ideas develop and become real. I find it enriching to contribute ideas and then finding people who can move them forward. And I value the exchange among us in the process. Having access to other people who have knowledge you don't have is a great opportunity to expand your own knowledge base. This creates community. I'm a catalyst. I'm autonomous. I see the payoff."

Interviewee 19: "I value the educational process. I have to learn the topics so I can develop them and pass them on."

Education Product. This term referred to the high importance of the education product to the judicial educator.

Interviewee 22: "I like that there is a beginning, middle, and end. I see the products and the outcomes. I like that."

Financial Compensation. Judicial educators reported that they valued the money they were paid.

Interviewee 19: "I'm well-paid. I enjoy that."

Intellectual Growth. Intellectual growth was described as the continual opportunity to learn new information, to be in an environment in which the validity of knowledge and its applications were constantly challenged, and to be in a position where the new information and increased knowledge could be applied and shared with others.

Interviewee 1: "I value the opportunity for intellectual growth. It is stimulating to shape an idea and make something come to life."

Power. This term referred to the feeling of power that results from the belief that judicial education has the potential to change lives.

Relationships. Judicial educators reported that they valued the relationships they had with judges and court personnel.

Interviewee 5: "I value that I can communicate in a personal way with judges who are isolated and can't speak freely with others."

Interviewee 14: "I nurture judges. I call judges and talk with them about their problems and how they may be able to act. I nurture them because I need it. Just doing legal stuff is boring. I love the partnership."

Respect. Judicial educators reported that they were accorded respect for their work, and they valued receiving it.

Role of the Court in Society. Role of the court in society referred to improving human rights, maintaining democracy through maintaining an independent judiciary, ensuring fair and impartial justice, and serving the greater good.

Status. Judicial educators reported feeling they had status because of the high level of access they had to judges, because they worked in the courts, and because they could influence people and systems. They valued the perception, if not the reality, of status.

Success. Judicial educators reported that they valued their success.

Visibility. Visibility referred to the high exposure judicial educators had with judges and others in the judicial system.

APPENDIX C

Descriptors and Explanations of What Others (i.e., significant others/partners, friends, organizational peers, judicial educators, colleagues, supervisors, audiences/client groups, state legislators, and the public) Valued About the Judicial Education Work

Significant Others/Partners Value Terms

Does Not Know. The judicial educator did not know what his or her partner valued.

Interviewee 36: "We don't talk about our jobs."

Interviewee 22: "Tough question. We don't bring our work home."

Does Not Know Work. This term referred to the perception that the judicial educator's partner did not know enough about the work to value it.

Interviewee 27: "We know, in general, what the other does. That's the end of it."

Does Not Value. This term referred to the perception that the judicial educator's significant other did not value the work.

Interviewee 13: "____ doesn't believe in continuing education."

Change Agent. This term referred to the partner valuing the change agent nature of the judicial education work.

Court Public Education. This term referred to the value of the public receiving education about the role of the court.

Interviewee 12: "____ sees the ignorance of the courts on the part of the public. ____ thinks that educating the public is very important."

Financial Compensation. This term referred to the perceived value of the salary and benefits established for the judicial education position.

Interviewee 20: "____ values the salary and benefits."

Organizational Skills. This term referred to the value placed on the organizational skills required to perform judicial education work.

Interviewee 3: "My ____ values the organization that is involved in the work."

Prestige. This term referred to the perceived prestige accorded to those who are associated with judges.

Interviewee 8: "____ values the job as prestigious because of the supreme court. ____ likes that I work with people in positions of power."

Recognition. This term referred to the value placed on the recognition that the significant other enjoyed through the position of his or her partner in the judiciary.

Interviewee 20: "____ is an attorney, so ____ likes the judge and clerk contact and recognition."

Role of the Court in Society. Role of the court in society referred to improving human rights, maintaining democracy through maintaining an independent judiciary, ensuring fair and impartial justice, and serving the greater good.

Interviewee 50: "My spouse is an attorney. ____ knows the courts are important in our society."

Values all Education. This term referred to the perception that the judicial educator's significant other valued all education.

Interviewee 6: "My spouse values education so ____ values this."

Interviewee 46: "____ values education, in general."

Values Me. This term referred to the perception that the work was valued because the judicial educator was valued.

Interviewee 2: "____ is pretty impressed with my work. It has to do with who ____ is. ____ values it highly, because ____ values me."

Interviewee 50: "____ believes I have a positive impact. He just supports me."

Friends Value Terms

Change Agent. This term referred to the value placed on being a change agent.

Creativity. This term referred to the perception that the work of judicial education allowed for creative expression.

Interviewee 30: "Most friends don't know about my work. But those who do, value the creativity and freedom I have. They value the cutting-edge initiatives."

Does Not Know. This term referred to the fact that the judicial educator did not know what his or her friends valued about judicial education.

Interviewee 25: "I just don't talk about my work to my friends."

Does Not Know Work. This term referred to the perception that the judicial educator's friends did not know enough about the work to value it.

Ethics. Friends valued the work and service ethic held by the judicial educator.

Interviewee 39: "They value my ethics even though many don't value the ethics of the court."

Influence. Friends perceived that the judicial educator had influence over powerful-decision makers, and they valued this influence characteristic.

Leadership. This term referred to the opportunity to influence judicial-decision making through education. Thus, judicial educators could lead powerful people to change.

Personal Enhancement. This term referred to the perception that the judicial educator was more interesting to be around, more healthy, and relaxed since becoming a judicial educator.

Interviewee 19: "They see I am more relaxed and healthy in this job. I'm also more interesting."

Interviewee 31: "My friends value that I am happy. They could [not] care less about the rest of it."

Prestige. This term referred to friends believing that judicial educators were accorded prestige because of their work with judges.

Interviewee 39: "They perceive when you work with judges, attorneys, and high-ranking officials that you have prestige."

Role of the Court in Society. Role of the court in society referred to improving human rights, maintaining democracy through maintaining an independent judiciary, ensuring fair and impartial justice, and serving the greater good.

Status. This term referred to the perceived status of the judicial system and judges. Therefore, by extension, judicial educators had status.

Interviewee 37: "Internally, I have less status; because I'm an other and not a judge. Outside, I'm with the supreme court; and that gives me status. Internally, I'm just staff. But, the judges treat me with respect. My friends kinda have an idea, but they don't really get it. They don't understand the subordination of the job to the judges."

Survival Skills. This term referred to the skills necessary to survive and thrive in a power-based system.

Interviewee 24: "My friends value my ability to survive with pain-in-the-ass judges."

Values all Education. This term referred to the perception that all education was valued.

Women Value Women. Women judicial educators reported that their women friends valued the intellect, savvy, tenacity, skill, and ability it took to achieve in a professional environment that had traditionally been dominated by male attorneys.

Interviewee 48: "I have broader and deeper discussions with my friends. I talk in an emotional sense with my best friend. She thinks it is an important and difficult position for a woman to be in. We discuss what it is like for women to confront these difficult issues and work in these environments. We know there is an undercurrent of bias against women. It's always there. Women have to assert themselves, and when that happens, you are a bitch and a turf builder. It is ultimately important for women to be there."

Interviewee 2: "Women who work, they appreciate what it takes to be a woman in a policy role. They know the struggle it takes to do equal work and get equal pay with men."

Organizational Peers Value Terms

Does Not Have Peers. The judicial educator had no peers.

Does Not Know. This term referred to the fact that the judicial educator did not know what his or her organizational peers valued about judicial education.

Does Not Know Work. This term referred to the perception that organizational peers did not know enough about the work to value it.

Does Not Value. This term referred to the perception that organizational peers did not value the work.

Improves System. This term referred to the value of judicial education when it corrected problems, positively affected what the peers did, generated positive results, was a resource, and was a service to the trial courts.

Interviewee 4: "On average, they see it as a mechanism to improve the system."

Interviewee 12: "I have made real advancements with the rest of the organization. Now, as a system, they recognize that without education they can't get people to do what needs to be done."

Nurturing. Organizational peers valued judicial education, because they believed it was a nurturing activity. Whereas the rest of the activities and projects emanating from the supreme court and administrative office were either regulatory or report driven.

Product. This term referred to the value placed on educational products such as notebooks, monographs, videotapes, benchbooks, benchguides, manuals, guides, and the like.

Their Involvement. The term referred to the perception that organizational peers valued judicial education, because they were often involved in the planning and/or presentation of the programming.

Interviewee 23: "They like to get exposure to the judges. They get to schmooze."

Values all Education. Organizational peers valued education in general; therefore, they valued the work of judicial education.

Judicial Educator Colleagues Value Terms

Application of Adult Education Theories, Principles, and Practices. Colleagues valued that the work was based on adult learning theory, principles, and practices.

Change Agent. This term referred to the perception that judicial educators valued the change agent role their colleagues played.

Does Not Know. This term referred to the perception that the judicial educator did not know what was valued about his or her work.

Does Not Know Work. This term referred to the perception that the respondent's judicial education colleagues did not know enough about the work to value it.

Intergovernmental Relations. This term referred to the perception that work with other branches of government was valued.

Interviewee 21: "The ones I interact with are amazed at how we can do the things we do with other state agencies. They value that I bring all the players together."

Leadership. Judicial educators perceived that their colleagues valued their innovation, futuristic views, creativity, depth of work, and the benefit that their work had for the advancement of judicial education as a profession.

Interviewee 30: "I value excellence, so I exceed people's expectations. Therefore, creativity, risk taking, futuristic thinking puts me and my organization on the leading edge. My colleagues value the leadership I provide. ____ is a model for how they can work."

Longevity. This term referred to the perception that the respondent's colleagues valued his or her ability to survive in the job for a long period of time.

Interviewee 22: "They value that I have been around so long. I made the profession with others. Now new people can come in and pick up quickly."

My Effort. This term referred to the perception that their colleagues valued the effort they put forth in making quality programming on restricted budgets.

Interviewee 5: "They see value in that ____ does ____ level best to put together the best program with no help and no money."

Product. This term referred to the perception that judicial education products like notebooks, monographs, videotapes, benchbooks, benchguides, manuals, guides, videoconferences, and the like are valued.

Interviewee 17: "Others like the products I develop. They can model them."

Supervisors Value Terms

Adult Education Application to Legal Topics. This term related to the belief that the supervisor valued the judicial educator's ability to apply adult education theories and practices to the law and legal education.

Candor. This term referred to the perception that the supervisor valued the nonpolitical, honest, and forthright appraisals and comments offered by the judicial educator.

Interviewee 14: "He values my ability to speak candidly. That's something that doesn't happen often in this environment."

Change Agent. This term referred to the perception that supervisors valued judicial education, because it can bring about change.

Communication Skills. This term referred to the verbal and nonverbal skills held by the judicial educator. Judicial educators reported that their supervisors valued their writing abilities, public-speaking skills, interpersonal skills, diplomatic characteristics, and capabilities.

Interviewee 2: "He thinks I'm a real diplomat about getting work done. He's happy with my ability to change judicial education and work with _____. He likes that I can work with others."

Consistent Production. This term referred to the perception that supervisors valued the consistent production of high-quality products and programs.

Does Not Know. The judicial educator did not know what his or her supervisor valued about judicial education.

Does Not Know Work. The supervisor did not know enough about the work to value it.

Does Not Value. The supervisor did not value the work.

Improves System. This term referred to the perception that supervisors valued judicial education; because it corrected problems, positively affected their work, generated positive results, was a resource, and was a service to the trial courts.

Knowledge. Supervisors valued the knowledge that judicial educators had about the courts, adult education, judicial education, and legal education.

Interviewee 27: "My boss has been here only one year. He values judicial education as a way to keep the courts moving ahead. ____ likes well-trained people and a competent judiciary. He values the knowledge I have so I can make these things happen."

Leadership. Supervisors valued innovation, futuristic views and action, creativity, depth of work, and contributions to court reform through judicial education.

No Problems. Supervisors valued judicial education; because it was typically problem free. And they received praise for the products and programming.

Interviewee 32: "My boss values several things. She values the products. She values that there are no more political problems. She gets the benefits with none of the hassles."

No Supervisor. The judicial educator had no supervisor.

Positive Attitude. The supervisor valued the respondent's positive attitude, and its effect on others.

Public Relations. This term referred to the perception that the supervisor valued judicial education, because it was good public relations with the trial courts.

Interviewee 4: "The state court administrator sees judicial education as a necessity. You have to have it so that the diverse parts come together as a system. He sees it as him looking better if it's good."

Relations with Courts. Supervisors valued the close relationships judicial educators had with judges and court personnel.

Interviewee 14: "Above anything else, my supervisor values my relationships with the bench."

Teaching. This term referred to the perception that the supervisor valued the judicial educator's teaching abilities.

Audiences/Client Groups Value Terms

Attention They Receive. Audiences valued judicial education due to the attention they received.

Interviewee 30: "They value the excellence and attention to detail. Mostly, they value the attention they receive. We tend to them."

(CLE/CJE). Audiences valued the education they were receiving, because it helped them meet their mandatory requirements.

Collegiality. Audiences valued the opportunity to see their colleagues.

Interviewee 3: "Judges love the opportunity to converse with their colleagues and gain knowledge."

Interviewee 25: "I always have a good attendance. They value the socialization, because they are so isolated."

Does Not Know. Judicial educators did not know what their audiences valued.

Increased Knowledge, Skills, and Abilities (KSA). Audiences valued the knowledge, skills, and abilities gained from the programming.

Interviewee 4: "On the whole, the majority has come to see education as a means to develop and stay out of trouble. By improving the courts and getting good audits and professional reviews, their position is more secure."

Interviewee 11: "Judges value first the aspects of the program that keep them current. Second, they value a comprehensive presentation that fits into the fabric of what they are doing. Third, they value the theoretical construct of the information."

Judicial Educator's Candor. Audiences valued replies to questions given by the judicial educator.

Interviewee 31: "They value the academic and bureaucratic expertise. I'm a real-world person. I give them this with no bullshit."

Judicial Educator's Confidentiality. Audience members valued the fact that they could talk to the judicial educator in complete confidence.

Interviewee 17: "I'm the answer lady. I'm the resource person. Because I anticipate their needs; I'm their confidante."

Judicial Educator's Hard Work. Respondents perceived that their audiences valued their hard work and dedication.

Interviewee 24: "They value that I work hard, make an effort, care for them, and have concern for them."

Judicial Educator's Knowledge. This term referred to the perception that audiences valued the knowledge of the judicial educator.

Location. This term referred to the perception that the audiences valued attending programs in desirable locations.

Interviewee 40: "They believe good hotels, at nice locations, is what they need. Beyond that, I don't know what they value."

Obtaining Financial Resources. Audiences valued the additional money resources that judicial educators received through aggressive grant writing and/or persistent lobbying of the state legislature.

Quality Learning Experience. Audiences valued participatory learning, strong and well-developed content, outside expert faculty, and needs assessment processes that provided the necessary information to develop programming tailored to fit their needs.

Quality Service. Audiences valued the rapid and high-quality attention they received. Interviewee 19: "They value being developed as whole people. They like our quality and rapid service."

Safe Learning Environment. Judicial educators reported that their audiences valued having an environment in which they could show their vulnerabilities without public exposure.

Interviewee 13: "They like the camaraderie. They also like raising new ideas and practicing in safe learning environments."

Supreme Court's Commitment. This term referred to the perception that judicial education audiences believed that the programming they received demonstrated the supreme court's commitment to them and their work.

Interviewee 20: "They feel important; because judicial education here is new, they're getting attention, and it signals supreme court commitment to them."

APPENDIX D

Descriptors and Explanations of What the Respondents Perceived Their Colleagues Valued About Their Own Work

Appreciation. Judicial educators valued their work when the benefits of the work were acknowledged by the recipients.

Challenge. This term referred to the judicial educators' ability to consistently produce quality programming with reduced resources.

Change Agent. Judicial educators reported that their colleagues liked to make change happen. Either the idea or reality of making a better justice system was a treasured value.

Does Not Know. The judicial educators did not know what his or her colleagues valued.

Does Not Value. This term referred to the perception that judicial educators did not value their work.

Developing Human Potential. Developing human potential was described as the opportunity to contribute to the ethical and moral development of judges, in particular, and court personnel, in general. This term also was used in regard to developing the personal and professional maturity necessary for judges to dispense justice and others to administer it.

Education Process. Education process was described as the creative give and take of surfacing ideas, developing those ideas, and making them a reality. The education process was further described as a community-building exercise in which values were shared and shaped through open communication.

Education Product. This term referred to the high importance of seeing the product or outcome of the work.

Ego Fulfillment. This term referred to the role that working with judges played in fulfilling personal ego needs.

Freedom to Create. This term referred to the creative process that allowed for on-going innovation in the development of programming.

Influence. This term referred to the perception of influence over powerful-decision makers through the topics presented in the educational programming.

Intellectual Growth. Intellectual growth was described as the continual opportunity to learn new information, have the new information challenged, and be able to convey that information to others.

Power. This term referred to feeling powerful, because judicial education has the potential to change lives.

Recognition. This term referred to the judicial educator receiving acknowledgment for his or her work.

Relationships. Judicial educators reported that they valued the relationships they had with judges, court personnel, and other judicial educators.

Respect. Judicial educators reported that they were accorded respect for their work, and they valued receiving it.

Role of the Court in Society. Role of the court in society referred to valuing the role of the courts in improving human rights through improving justice, maintaining democracy through maintaining an independent judiciary, ensuring fair and impartial dispensation of justice, and serving the greater good.

Status. This term referred to the perceived status of the judicial system and judges. Therefore, by working with judges and the court system, judicial educators gained status through association.

APPENDIX E

Descriptors and Explanations Regarding Gender Differences in What Judicial Educators Valued

Female Gender Difference Terms

Accommodate. Women are willing to make room for all people and all ideas if both can be accommodated within the goals and objectives of the programming.

Appreciation. Women value being appreciated for their work.

Better Job. Women do their work in such a way that the quality is higher than the work produced by men.

Brighter. Women are brighter than men.

Burnout. Women have higher rates of burnout than men, because they have to consistently do everything better and bigger than men just to be as good as men.

Change. Women value the ability to change people or organizations through their work.

Collaborate. Women work to neutralize power-oriented environments so that all work is conducted in collaboration with all parties.

Communications. Women are more fluid and passionate communicators than men.

Content Oriented. Women care more about the substance of the programming than do men.

Detail Oriented. Women are more particular about all aspects of their programming, because they understand that it is the quality of the entire package that will have the largest impact. Therefore, they work to ensure that the details pertaining to topic selection are carried out with the same precision as the details pertaining to room set up.

Extend Themselves. Women will go beyond themselves to do more work or involve more people than will men.

Gender-Related Issues. Women, more than men, care about topics that focus on issues related to women, such as domestic violence, child support, hate crimes, and sexual assault.

Nurturer. Women are care givers and are more sensitive than men to other people's emotional and intellectual needs.

Politically Astute. Women are more aware than men of their political surroundings and act accordingly.

Priorities and Values. Women are directed by their priorities or values and are much less likely than men to deviate from either.

Process Oriented. Women value soliciting ideas, information, and opinions of others for the purpose of developing comprehensive programs and systems.

Relationships. Women, more than men, value the relationships they establish through their work.

Self-Actualized. Women know who they are and are less motivated than men by externals to gain self-esteem.

Service Oriented. Women hold a service ethic and act on that ethic.

Share Power and Knowledge. Women are more willing than men to share whatever power they have in their work. Women are also more willing to share the knowledge they have about their work.

Social Issues. Women care about the social issues confronting our society and see them as much more important than the traditional legal issues.

Male Gender Difference Terms

Blinders. Men do not see the full picture. They work with blinders on.

Change. Men are committed to positive change and will work to see change realized.

Collaborate Less. Men are much less likely than women to involve others in their work, because they want power and control.

Combative. Men are more argumentative and aggressive than women.

Control. Men want control in their lives and jobs.

Critical/Business. Men take a detached critical or business approach to their work, because they value the bottom line above everything else.

Future. Men value their futures; therefore, they make all job moves based on where those moves will get them.

Get More. Men always receive more acknowledgment and compensation for their work even though it is usually the same or less volume and quality than the work that women produce.

Independence. Men value their independence.

Influence. Men value the appearance or reality of influence.

Law-Trained Analytical. Men, whether or not they are attorneys, value the law-trained analytical approach to their jobs.

No Process. Men do not value soliciting ideas, information, and opinions of others.

Power. Men want power.

Quantitative Products. Men value things. Tangible products determine the value men place on their work.

Success. Men value success, and want their success recognized.

Nongender Specific Terms

Does Not Know. This term was used by respondents who did not know whether gender made a difference in what their colleagues valued.

Masculine/Feminine Personality Blend. This term referred to the perception that a blend of masculine and feminine qualities is essential in contemporary life. The perception is that stereotypical masculine and feminine qualities are a hindrance to job performance and are inappropriate in today's work environment.

No Difference. There is no difference in what judicial educators value based on gender.

Socialization Is Different. Men and women are only different and may value different things because of their socialization; therefore, these things are not in the conscious awareness of men and women.

APPENDIX F

Descriptors and Explanations of Differences Based on Educational Background

What Law-Trained Judicial Educators Valued

Adversarial. Law-trained judicial educators are trained to be adversarial, and they bring that to the educational process.

Competitive. Law-trained individuals are trained to be competitive, and competitiveness is antithetical to building strong coalitions for the on-going support of educational programming.

Concrete Law Issues. Law-trained judicial educators place a high value on traditional legal topics in criminal law and procedure, civil law and procedure, constitutional law, juvenile law, probate law, and family law.

High Constituent Recognition. Law-trained judicial educators enjoy more recognition than nonlaw-trained judicial educators, because they share the same educational background with judges. Law-trained judicial educators also enjoy instant credibility.

Impact on Justice. Law-trained judicial educators value that they can affect justice. They better understand how knowledge, perceptions, and actions change justice.

No Human-Development Skills. Law-trained judicial educators do not have the skill or education in psychological or spiritual development that is critical in developing the whole person through educational programs.

Poor Administrators. Law-trained judicial educators do not have training in administration; therefore, they are poor administrators.

Poor Education-Process Skills. Law-trained judicial educators are not educated in curriculum development and/or adult learning. Therefore, they do not understand the importance of the education process and do not have the skills to lead the process.

Seek Connections. Law-trained judicial educators value and seek connections with powerful people through judicial education.

What Nonlaw-Trained Judicial Educators Valued

Attitude Change. Nonlaw-trained judicial educators look for attitude changes among their audience members.

Developing Human Potential. Nonlaw-trained judicial educators value developing human potential through their programs and products.

Easily Intimidated. Nonlaw-trained judicial educators are easily intimidated by judges and attorneys.

Education Process and Products. Nonlaw-trained judicial educators have a more thorough background in adult education principles and practices. Therefore, they are better at educational design, instruction, and content development.

Good Communications. Nonlaw-trained judicial educators have good verbal and nonverbal communication skills.

Low Recognition Need. Nonlaw-trained judicial educators have lower recognition needs than do law-trained judicial educators. They are not looking at judicial education as an entree to their next job.

Other Terms Used in Identifying Whether Educational Background Made a Difference in What Judicial Educators Valued About Their Work

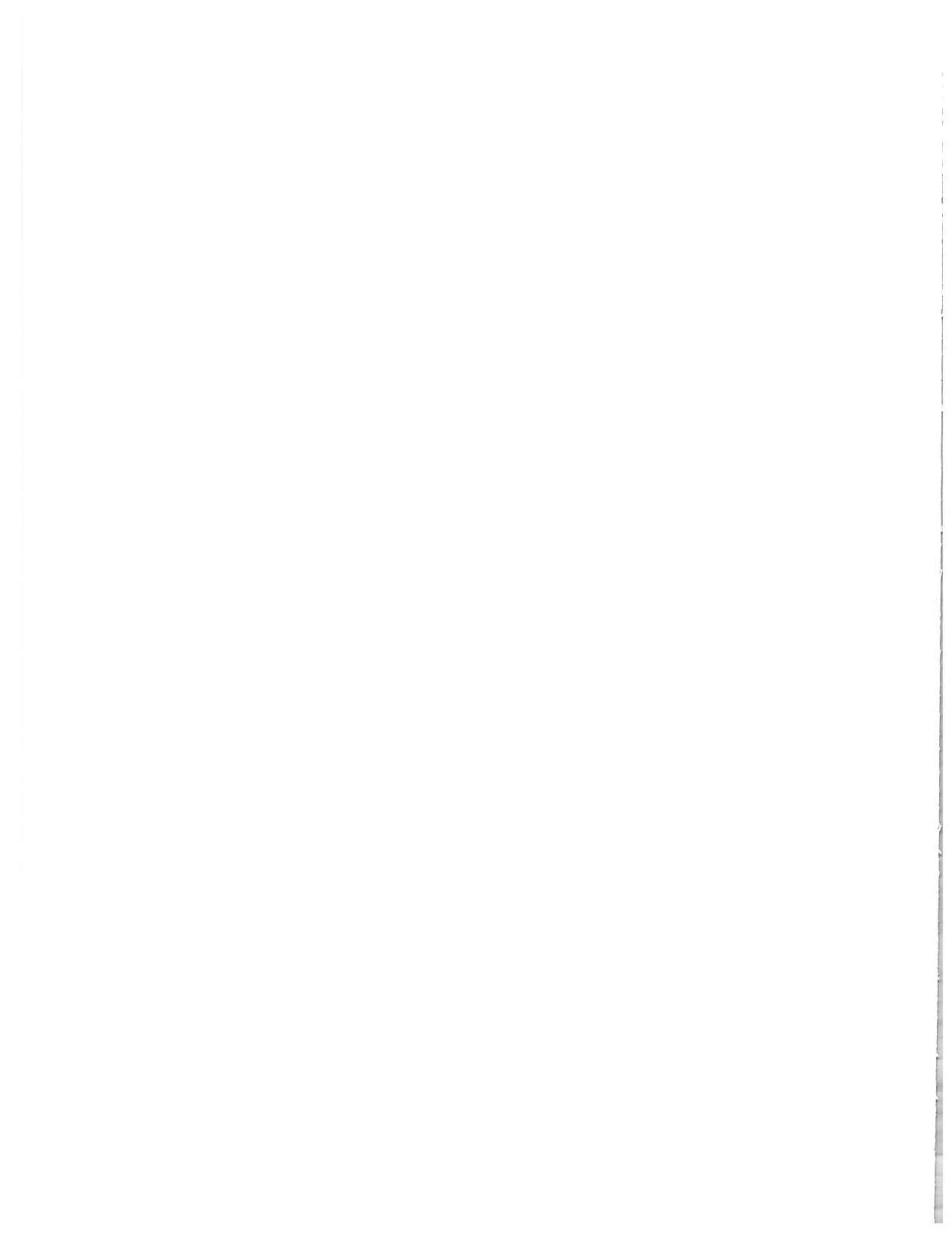
Competence Is Important. The only factor of importance is whether the judicial educator can perform the job competently.

Determines Perspective and Approach Only. Educational background determines only perspective and approach. It does not affect how others value the judicial educator or how the judicial educator values his or her own work.

Does Not Know. Judicial educators do not know whether educational background makes a difference in what they value about their work.

Familiarity with Court and Legal Issues Is Important. This term refers to the perception that what is important is not educational background, but rather that the educators are familiar with the pressing issues in the courts and the law.

Phony Issue. Educational background is a phony issue or a nonissue. What matters are diverse opinions and a holistic approach.



APPENDIX G

Descriptors and Explanations Regarding the Effect of Length of Experience

Academic Freedom. Those judicial educators who have been in judicial education for a long time value the freedom to put on programs they believe are appropriate.

Change Agent. The more experience judicial educators have, the more they value their potential to make a positive impact.

Does Not Know. Respondents do not know whether length of experience makes a difference in what their colleagues value about their work.

Ego Fulfillment. This term refers to the role that working with judges and working in the court system plays in fulfilling personal ego needs. The perception was that the more experience the judicial educator has, the more important ego fulfillment is.

Entrenchment. Judicial educators who have been in the field for a long time are slow to change and are jaded. Long-term involvement results in the judicial educators valuing continuity and sameness rather than innovation.

Exhibit Leadership. With experience, judicial educators exhibit leadership.

Holistic Approach. The more experience judicial educators have the more well-rounded the programming. Experienced judicial educators take a more theoretical or philosophical approach to their work. In their later career years, they value a holistic approach.

Politically Savvy. With experience, judicial educators become more politically savvy. They know how to move in the same circles as the power players.

Reduced Impact. New judicial educators believe that they can make a difference, and that judicial education is valuable. However, over time, they become less sure of the value of their work.

Relationships. The more time judicial educators have in judicial education, the more they value the relationships they develop.

· Self-Directed. More experienced judicial educators value their contributions. They have more confidence in themselves, and they have more self-esteem. They look for less external verification and rely more on their own appraisals of their work. They value themselves more.

Appendix H

Descriptors and Explanations Regarding Value Differences Based on Organizational Placement

Judicial Education in Administrative Office/Supreme Court Structure

AO Division. Judicial education placed in an administrative office division has high visibility and credibility. It also sends a signal that the supreme court is committed to and respects education.

AO Unstable. Administrative offices are inherently unstable because of funding uncertainties, the political nature of the work, and the leadership on the supreme court changes every time there is a new chief justice. This kind of uncertainty is so disruptive that judicial education cannot possibly realize its true potential.

More Responsive. Judicial education organizations in the administrative office/supreme court are more responsive to the education needs of judges and court personnel than are their counterparts, which function outside of the court system.

Symbolic. Judicial education that is under the direct control of the supreme court sends a symbolic message to the trial courts that they are important and that their concerns and needs matter.

Transformative. Judicial education, which comes from the court system, has a better opportunity to transform that system; because problems and issues are known and can be addressed.

Judicial Education in Law School/University

Academic Freedom. More academic freedom is present in law schools and universities than in court sponsored judicial education organizations.

Not Responsive. Academics are not part of the real world. Therefore, programs emanating from law schools and universities are not focused on the pressing issues of the courts. Also, they are distant, remote, and care little about the courts as organizations.

Prestige. Judicial education organizations housed within a law school or university are more prestigious than judicial education organizations placed within the court structure.

Scholarly. Law school judicial education programs are scholarly, but they may not give judges and court personnel the knowledge and skills necessary to perform their jobs.

Judicial Education in Independent Organizations

Administratively Neutral. The term “administratively neutral” referred to the perception that judicial education organizations in this environment can remove themselves from the political constraints that are present in state court systems. They do not have to adhere to any particular administrative or political agenda.

Other Terms

Does Not Know. Judicial educators do not know whether organizational structure makes a difference in what their colleagues value.

Environment. Environment always drives the work, and what the individual values about the work.

No Difference. Organizational structure has no bearing on what judicial educators value about their work.

APPENDIX I

Descriptors and Explanations Regarding Whether Audience Composition Made a Difference in What Judicial Educators Valued

All Audiences Important. The judge is only as good as his or her staff. Therefore, all audiences are important.

Does Not Know. The respondents did not know whether audience composition made a difference in what their colleagues valued about their work.

Judges Important. Judges are the most important audience. Judge programming is the most prestigious; therefore, the most valuable and most valued by judicial educators. Institutional survival rests on the judges' happiness with and acceptance of the educational programming.

APPENDIX J

Descriptors and Explanations Regarding the Value of Judicial Education Ten Years into the Future

Does Not Know. The respondents do not know what value judicial education will have ten years into the future.

Global Change. This term referred to the perception that as high-tech, mass communication continues to facilitate discussion across the globe, the courts will be called upon to settle legal disputes between the United States and other countries.

Learner-Directed Education. This term referred to the perception that as distance education becomes more accessible, live programming will be replaced with formats in which education can be had on demand.

Professional Status. This term referred to the perception that technologically advanced societies will force more people to identify themselves as professionals. Thus, judicial education, as the primary provider of continuing professional education in the courts, will become more valuable and in higher demand.

Public Accountability. Judicial education will become more important, because the need for public accountability for judges will be higher.

Social/Cultural Change. As the white population in the United States declines and the African-American and Hispanic populations increase, the court will have to reflect that change. One way it can prepare for the change is through judicial education.

System Improvement. Judicial education will become important in facilitating improvements to the courts.

Technological Change. Technological advances will cause the most change for the courts.

Value Professional Education. The value of judicial education will increase as society becomes more complex, and continuing professional education is the only way to deal expeditiously with the complexities.

Appendix K

Descriptors and Explanations Regarding the Strengths of Judicial Education That Promote Achievement of Professional Status

Address Court Complexity. The courts are becoming more complex in their operations and in the cases they hear. Through education, the courts can be prepared for this complexity.

Commitment to Professionalism. Judicial educators are highly educated; they share common goals; they have a service ethic; they conduct themselves with decorum and commitment; and they value their responsibility to develop the human potential within the court, thus developing the court as an institution. The respondents reported that there is a commitment to making judicial education a profession.

Constituency Advocates. This term referred to the perception that judicial education has high-profile constituents who will advocate for the expansion of judicial education.

Court as Change Agent. This term referred to the perception that through education the courts can be more proactive and take a leadership role in their communities.

Distance Education. With the advent of sophisticated technology, education on demand will be a reality. The technology will also allow for the development of more specialized education that may be of high need for a small population of learners. Distance education has the potential to increase the size and variation of the audience group, thus increasing the base of support for judicial education.

Does Not Know. Respondents could not identify any strengths.

International Judicial Education. As other countries look to American judicial education as a model, it will only enhance the presence and credibility of judicial education in the United States.

Judicial Education Now Institutionalized. Judicial education has been visible since the 1970s. Because of its 30-year history, judicial education has become recognized and institutionalized as a natural and necessary part of the judicial system.

Mandatory Judicial Education. As mandatory judicial education becomes more prevalent, the position of judicial education will become solid and gain more recognition and status.

Mentoring. Judicial education promotes mentoring across court types and geographic regions. Thus, mentoring facilitates learning long after the educational event is over.

National Advocates. As judicial education gains more national attention in the legal and justice fields, conditions within the states will improve.

Networking. This term referred to the perception that because the field of judicial education is still small, a great deal of networking can take place from state to state and nationally, which increases cohesiveness and homogeneity.

Public Expectations. Public demands for more accountability will spill over into the courts. As demands for accountability increase, the courts will have to maintain extensive continuing education to meet the new demands.

Quality Programming. Judicial education comprises consistently high-quality programming.

Role of the Judge. As judges become more visible, they will have to become more versed in changing legal and contemporary issues.

Small Size. The small size of the field is a strength, because it makes judicial educators more cohesive and homogeneous. (Note: Small size was also reported as an obstacle.)

Value of Professional Education. In this global high-tech society, people will require continuing professional education; consequently, judicial education will gain more support.

APPENDIX L

Descriptors and Explanations Regarding the Obstacles to Judicial Education Achieving Professional Status

Devaluing Education. As primary and secondary education comes under attack, so will continuing professional education. As the public devalues education, judicial education will have a more difficult time gaining professional status.

Does Not Know. Judicial educators do not know what obstacles will prevent judicial education from obtaining professional status.

Gender Devaluation. As the gender composition of judicial education becomes more largely female, judicial education will have a harder time becoming recognized as a profession; because of the extreme gender bias that is still present in contemporary society.

Hidden Work. To gain professional status, the work must be known, needed, and well defined. The perception is that judicial education is hidden within the state court system. Further, the state court system is hidden in comparison with the executive and legislative branches of government.

Lack of Autonomy. Judicial educators perceive that the work is controlled by judges and others who make decisions about whether judicial education will live or die. Without autonomy, judicial educators perceive that it cannot gain professional status.

Lack of Clear Identity. Judicial education lacks a clear definition concerning the following: what it is, who can do it, and how it should be done. The perception is that professional status cannot be obtained under these conditions.

Lack of Mobility. One of the hallmarks of professional status is that it offers an avenue for advancement. The perception is that judicial education has no career path or mobility.

Lack of Recognition. For an occupation to obtain professional status, it must have widespread recognition. Judicial education has no such recognition.

Limited to Definition of Judicial Education. Judicial education will only get as large as its definition. Currently, it is more often thought of as providing knowledge, skills, and abilities to judges on substantive and procedural legal issues. Judicial educators indicated

that until judicial education is viewed as necessary for the entire judiciary, it will not be able to obtain professional status.

No Certification or Required Credentials. Until judicial education establishes mandatory credentialing for judicial educators, it will never reach professional status.

No Leadership. Judicial educators reported that the occupation has never had the type of leadership that can take it beyond day-to-day performance issues and into the larger arena of establishing itself as a profession.

No Public Relations Effort. Judicial educators perceived that NASJE has under-taken no public relations effort that will increase the professional standing of judicial education. The perception was that without such an effort, judicial education will continue to rest on an unstable foundation.

No Universally Accepted Standards. Judicial educators indicated that, in order for judicial education to receive professional status, it must have universally accepted standards. Such standards do not exist.

Pioneering Effort. Judicial education is a pioneering effort. There are many things it must do to make it institutionally recognized and ready for professional status.

Too Small. Judicial education, as an enterprise, is far too small to become recognized as a profession.

Unstable Support. Judicial education does not have solid institutional support, nor does it have solid fiscal support. This lack of support calls into question its permanent viability and ability to gain professional status.

List of References

- Abbott, A. 1988. *The System of Professions: An Essay on the Division of Expert Labor*. Chicago: The University of Chicago Press.
- Acker, J. 1991. "Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations." In *The Social Construction of Gender*, edited by J. Lorber and S. A. Farrell, 162-179. Newbury Park: Sage Publications.
- Almquist, E. M. 1991. "Labor-Market Gender Inequality in Minority Groups." In *The Social Construction of Gender*, edited by J. Lorber and S. A. Farrell, 180-192. Newbury Park, CA: Sage Publications.
- Berlant, J. L. 1975. *Profession and Monopoly*. Berkeley: University of California Press.
- Bledstein, B. J. 1976. *The Culture of Professionalism*. New York: Norton.
- Board of the National Association of State Judicial Educators. 1998. "Revised National Association of State Judicial Educators Constitution and Bylaws." Photocopy.
- Braude, L. 1961. "Professional Autonomy and the Role of the Laymen." *Social Forces* 39: 297-301.
- Brenner, J. 1991. "Feminization of Poverty and Comparable Worth: Radical Versus Liberal Approaches." In *The Social Construction of Gender*, edited by J. Lorber and S. A. Farrell, 193-209. Newbury Park, CA: Sage Publications.
- Caplow, T. 1954. *The Sociology of Work*. Minneapolis: University of Minnesota.
- Carr-Saunders, A. P., and P.A. Wilson. 1933. *The Professions*. Oxford: Oxford University Press.
- Charmez, K. 1983. "The Grounded Theory Method: An Explication and Interpretation." In *Contemporary Field Research: A Collection of Readings*, edited by R. M. Emerson, 109-126. Prospect Heights: Waveland Press.
- Conner, M. E. 1996. *Professional Education and Development of NASJE Members*. East Lansing, MI: Judicial Education Reference, Information and Technical Transfer (JERITT) Project.
- Denzin, N. K. 1994. "The Art and Politics of Interpretation." In *Handbook of Qualitative Research*, edited by N. K. Denzin and Y. S. Lincoln, 500-515. Thousand Oaks, CA: Sage Publications.
- Ehrenreich, B. 1989. *The Fear of Falling: The Inner Life of the Middle Class*. New York: Harper Collins.

- Fine, M. 1994. "Working the Hyphens: Reinventing Self and Other in Qualitative Research." In *Handbook of Qualitative Research*, edited by N. K. Denzin and Y. S. Lincoln, 70-82. Thousand Oaks, CA: Sage Publications.
- Fontana, A., and J. H. Frey. 1994. "Interviewing The Art of Science." In *Handbook of Qualitative Research*, edited by N. K. Denzin and Y. S. Lincoln, 361-376. Thousand Oaks, CA: Sage Publications.
- Freidson, E. 1984. "Are Professions Necessary?" In *The Authority of Experts: Studies in History and Theory*, 3-27. Bloomington: Indiana University Press.
- Geison, G. L., ed. 1983. *Professions and Professional Ideologies in America*. Chapel Hill: The University of North Carolina Press.
- Goode, W. J. 1957. "Community within a Community." *American Sociological Review* 25: 902-14.
- Habenstein, R. W. 1995. *Chicago Light: Selected Sociological Writings of Robert W. Habenstein*. Columbia: University of Missouri-Columbia.
- Haskell, T. L., ed. 1984. *The Authority of Experts*. Bloomington: Indiana University Press.
- Hudzik, J. K. 1995. *Issues and Trends in Judicial Education*. East Lansing, MI: Judicial Education Reference, Information and Technical Transfer (JERITT) Project.
- Jackson, J. A., ed. 1970. *Professions and Professionalization*. Cambridge: University Press.
- Kanter, R. M. 1977. *Men and Women of the Corporation*. New York: Basic Books.
- Larson, M. S. 1977. *The Rise of Professionalism*. Berkeley: University of California Press.
- Larson, M. S. 1984. "The Production of Expertise and the Constitution of Expert Power." In *The Authority of Experts: Studies in History and Theory*, 28-80. Bloomington: Indiana University Press.
- Lofland, J., and L. H. Lofland. 1995. *Analyzing Social Settings: A Guide to Qualitative Observation and Analysis*. 3d. ed. Belmont, CA: Wadsworth Publishing Company.
- Marshall, T. J. [1939] 1965. *Class, Citizenship, and Social Development*. Garden City, NY: Anchor.
- Miles, M. B., and A. M. Huberman. 1994. *Qualitative Data Analysis*. 2d ed. Thousand Oaks, CA: Sage Publications.
- Millerson, G. 1964. *The Qualifying Associations*. London: Routledge.
- Mills, C. W. 1951. *White Collar: The American Middle Class*. New York: Oxford University Press.

- Moore, W. E. 1970. *The Professions: Roles and Rules*. New York: Russell Sage Foundation.
- Naegle, K. D. 1956. "Clergy, Teachers and Psychiatrists." *Canadian Journal of Economic and Political Science* 22: 46-62.
- National Association of State Judicial Educators Standards Committee. 1991. *Principles and Standards of Continuing Judicial Education*. N.p., n.d.
- Parsons, T. [1939] 1954. "The Professions and Social Structure." In *Essays in Sociological Theory*, 34-39. New York: Free Press.
- Pound, R. 1949. "The Professions in the Society of Today." *The New England Journal of Medicine* 241, no. 10: 351-357.
- Reskin, B. F. 1991. "Bringing the Men Back In: Sex Differentiation and the Devaluation of Women's Work." In *The Social Construction of Gender*, edited by J. Lorber and S. A. Farrell, 141-161. Newbury Park, CA: Sage Publications.
- Roth, J. 1970. "Comments on 'Secret Observation.'" In *Qualitative Methodology: Firsthand Involvement with the Social World*, edited by W. J. Filstead, 278-280. Chicago: Markham.
- Seymour, S. 1987. "The Case of the Mismanaged Ms." *Harvard Business Review* 65, no. 6 (November-December):77-87.
- Strauss, A. L. 1987. *Qualitative Analysis for Social Scientists*. Cambridge: Cambridge University Press.
- Strauss, A., and J. Corbin. 1990. *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*. Newbury Park, CA: Sage Publications.
- Sullivan, W. M. 1995. *Work and Integrity: The Crisis and Promise of Professionalism in America*. New York: Harper Collins.
- Weber, M. 1978. *Max Weber Selections in Translation*. Edited by W. G. Runciman. Translated by E. Matthews. New York: Cambridge University Press.
- Wilensky, H. L. 1964. "The Professionalization of Everyone." *American Journal of Sociology* 70: 157-58.

