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# Institute for Faculty Excellence in Judicial Education

Project Summaries  
and Impact Evaluation  
2003-04

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A75  
I57  
2004

*Institute for Faculty Excellence in  
Judicial Education*

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2003-04**

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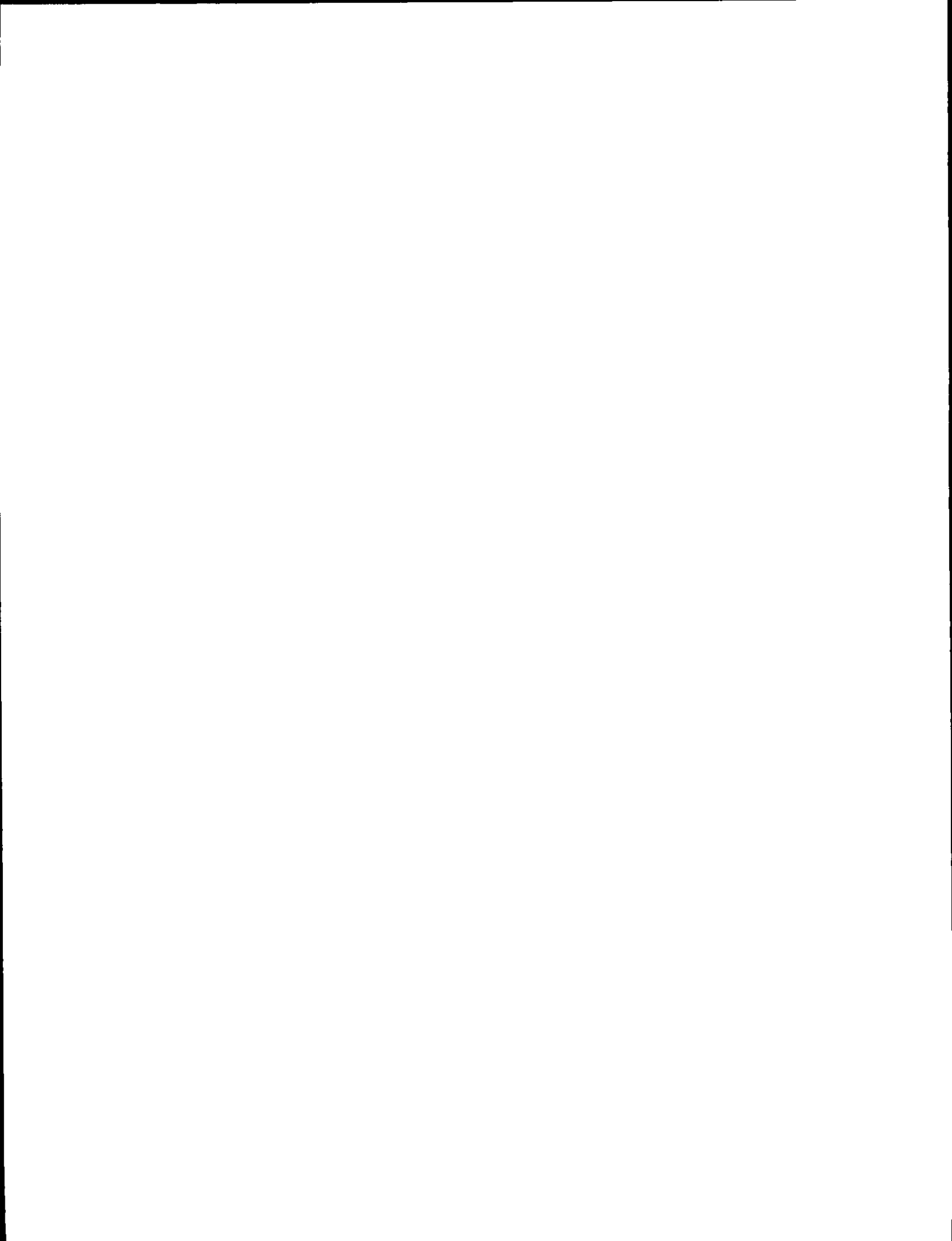
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**The Center for the Study of Higher Education**

**Institute for Faculty Excellence  
in Judicial Education  
2003-04**

Judicial education plays an important role in the healthy functioning of a state's judicial system by providing opportunities for knowledge and skills development as well as enhancing personal and professional growth.

The Institute for Faculty Excellence in Judicial Education, in partnership with the State Justice Institute and The University of Memphis, provides an opportunity for participants to broaden their overall perspective about the nature and purpose of judicial education, while encouraging focused, individualized effort in one or more aspects of their teaching role.

Since 1997, the Institute has led to the completion of over 100 original projects, each one conceived, planned and created by a participant in the interest of enhancing the administration of justice through education, information and technical assistance.

We invite you to call upon the Institute participants as resources for court improvement and judicial education across the country. Summaries of projects from prior years are available upon request.

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*Institute for Faculty Excellence in Judicial Education*  
2003-04

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## 2003-04 Faculty & Staff



*From left to right: Kathy Story, Maggie Cimino, Carrie Brooks, Bob Lowenbach, Brenda Younger, Jim Hoolihan, Pat Murrell, Jan Dreiling, Philip Gould, Terri Liston.*

“The courage to teach is the courage to keep one’s heart open in those very moments when the heart is asked to hold more than it is able so that the teacher and students and subject can be woven into the fabric of community that learning and living require.”

Parker J. Palmer, *The Courage to Teach*

## 2003-04 Faculty & Participants



*Participants and faculty at the Steinbeck Center, Salinas, California*



*Institute for Faculty Excellence  
in Judicial Education*

**Project Summaries  
2003-04**

*Institute for Faculty Excellence in Judicial Education*  
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**KEEPING YOUR JUDICIAL EDGE:  
An Educational Program for Experienced Judges**

Judges experience a very high level of job stress, due in part to the pressure of their work and its confrontational nature. Judges also are facing severe budget cutbacks and financial challenges that force them to reduce travel and training, delay court projects, and postpone certain civil proceedings. Furthermore, the social isolation imposed by a strict code of ethics prevents a judge from freely sharing thoughts, feelings, and opinions with others, and also extends to family members. Consider the result when these stressors are added to a highly developed sense of responsibility, service, and sacrifice. The eventual consequence is a lifestyle that allows the demands of the court to take precedence over friends and family, recreation, and cultural pursuits.

This two and one-half day training program and interactive workshop is for experienced judges and will introduce them to the basic concepts, principles and benefits of a wellness-oriented lifestyle. Judges will learn guidelines for integrating health into the courtroom and beyond, as they explore major stressors affecting the judiciary. When external systems place a high demand on performance and creativity, it is inner balance that transforms stress into mental and emotional energy that can enhance effectiveness. As a result of this training, judges will experience improved work efficiency and quality of life as they practice better techniques and practices to maintain their "judicial edge."



**Ann Blankenship** has served as Program Attorney for the Texas Center for the Judiciary since May 2003. Prior to that time, she was Director for Paralegal Studies at the University of Texas at Brownsville for three years and a contract attorney for three years. Before attending law school, she was a medical school faculty member in public health and preventive medicine.

Ms. Blankenship earned her doctorate from Texas Woman's University and her Juris Doctorate in 1995 from Texas Wesleyan School of Law. She was on the law review staff, received an AmJur Award for Academic Excellence, and was co-author of a prize-winning health law paper. She was also editor of the Third Edition of Texas Hospital Law, an authoritative medical-legal reference.

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## DOMESTIC VIOLENCE: COURT STAFF TRAINING

Each year, thousands of litigants embroiled in domestic violence disputes come to court seeking relief through civil protection orders or criminal prosecutions. On the civil side, the vast majority of litigants appear without counsel and do not understand the legal process. Although these litigants will eventually appear before a judge, they must first interact with court clerks and court staff. Given these facts, it is critical that clerks and other court staff understand how to best serve the needs of domestic violence litigants.

In West Virginia, as in most states, domestic violence litigants may appear in different courts. To ensure that court staff statewide know how to effectively assist domestic violence litigants, one-day training sessions will be offered. The mission of this program is to: (1) educate the participants about the dynamics of domestic violence; (2) sensitize the participants to the challenges faced by victims of domestic violence; (3) allow the participants from different courts in the same county to meet and discuss domestic violence issues in their workplace and community; (4) teach the participants how to cope with the stress of dealing with families in crisis; and (5) help the participants discover how to best assist domestic violence litigants. Administrative staff from each court will be available to answer legal questions that arise during the course of the program on a one-on-one basis. These conferences have been funded by a STOP Violence Against Women Grant.

**Alison Chambers** has served as the Director for Family Court Services for the West Virginia Supreme Court of Appeals since February 2002. Prior to that appointment, Alison served as the Courts' Special Project Counsel. In that position, she staffed numerous Court projects including the Commission on the Future of the West Virginia Judiciary, the Commission on Mental Hygiene Reform, the Court's Technology Summit, the Gender Fairness Implementation Committee, the Leadership Team on Public Trust and Confidence in the Courts, and the Task Force on Self-Represented Litigants. Alison received her Doctor of Jurisprudence degree from the West Virginia University College of Law where she was an Associate Editor on the West Virginia Law Review and a member of the Order of the Coif. Alison also holds a Master of Arts degree in Counseling.



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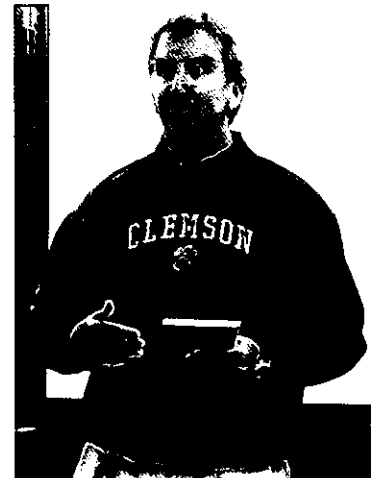
## MEETING THE NEED FOR EDUCATION ON ESTATE PLANNING

Proper estate planning is needed in South Carolina. In Charleston County, about 50% of the adult population dies without a will. Many families of those who have died with a will indicate that their loved ones were planning to change their wills but never completed the process. Accordingly, there is a need to educate the public about estate planning. This project will address these issues through a presentation designed to be delivered at civic organization meetings and in conjunction with the Court's monthly estate administration workshop.

The presentation will cover the following estate planning tools: 1.) Last Will and Testament; 2.) Declaration for a Desire for a Natural Death; 3.) Healthcare Power of Attorney; 4.) Durable Power of Attorney for Business Affairs; and 5.) Trust.

In summary, proper estate planning can save families money and anguish over the passing of a loved one.

**Irvin G. Condon** is Judge of Probate, Charleston County, having previously been a shareholder in the law firm of Rosen, Rosen & Hagood, P.A., in Charleston. Judge Condon was elected Probate Judge in November of 1995 and was reelected in 1998 and 2002 without opposition. He received his B.S. degree in accounting, magna cum laude, from Clemson University and his J.D. degree from the University of South Carolina. Judge Condon is a Certified Public Accountant and worked for Price Waterhouse for three years before going to law school. He is a member of the Charleston County Bar Association, the South Carolina Bar, the American Bar Association, the South Carolina Association of Probate Judges, the National College of Probate Judges, the National Academy of Elder Law Attorneys and South Carolina Association of Drug Court Professionals. Judge Condon is past President of the South Carolina Association of Probate Judges and is currently President of the South Carolina Association of Drug Court Professionals and is on the Executive Committee of National College of Probate Judges. Judge Condon started and presides over the Charleston County Adult Drug Court and led the planning team for the Charleston County Mental Health Court. Judge Condon has also been a faculty member for the National Drug Court Institute and the National Judicial College.



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## NOT IN MY COURT Conviction of the Innocent

This program examines the failures of the criminal justice system, cases in which innocent persons are convicted. The intended audience is trial court judges. The program is designed to raise the awareness of judges about the existence of confirmed cases in which a defendant has been wrongfully convicted and to identify problems in the trial process that may have led to the wrongful conviction.

The program is built around photographs of exonerated defendants that were published in *The Innocents*, by Taryn Simon. First, the role of DNA testing in the exoneration of convicted persons is reviewed. Next, the most common categories of evidence that are presented in the trials of wrongfully convicted persons are examined. Then the role the trial judge plays in the process is discussed. Last, the presenter and the audience attempt to develop strategies to be used by trial judges to lessen the chance of a wrongful conviction occurring in their courts.

The course materials include an outline with a brief bibliography and a handout that contains suggestions for strategies trial judges can utilize to avoid wrongful convictions in their courts. The presentation utilizes PowerPoint to display photographs and other presentation visual aids. Depending upon the time allotted, the last phase of the presentation can include audience interaction in designing the strategies to be used by trial judges to avoid wrongful convictions.



**Judge Robert Fairchild** is Chief Judge of the Seventh Judicial District in Lawrence, Kansas. He received his undergraduate degree from Texas Tech University and his law degree from the University of Kansas. He practiced law in Lawrence, Kansas for 23 years prior to being appointed as a district judge in 1996. His judicial assignment is made up of both criminal and civil general jurisdiction cases. For the last twenty years he has been involved in alternative dispute resolution. He is an adjunct professor at the University of Kansas School of Law, teaching alternative dispute resolution. He is the chair of the Dispute Resolution Council of the Kansas Supreme Court. He is a contributing author of the *Practitioner's Guide to Kansas Family Law*, published by the Kansas Bar Association. During his career Judge Fairchild has made

more than fifty presentations on a variety of topics to many different audiences.

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**RESPONDING TO THE PROBLEM  
OF CHILD ABUSE AND NEGLECT IN THE CHURCH:  
Legal Duties and Recommended Protocol**

In 1962, Dr. C. Henry Kempe published a paper in the Journal of the American Medical Association that documented certain injuries to children seen in the emergency room were attributable to child maltreatment. One year later, Dr. Kempe and a group of other physicians proposed model legislation that mandated physicians, whom they believed would most likely encounter maltreated children in their practice, to report child abuse to local authorities. Within a short time, all fifty states had enacted some type of mandatory reporting law. Over the years, Colorado has added a number of other professionals to its list of those required to report child abuse.

In response to widely publicized allegations of child abuse and molestation by Roman Catholic priests, the Colorado General Assembly, in 2002, added "*clergy member*" as an additional category of mandatory reporters under the Act. Clergy member is defined as a recognized leader of any religious body.

Colorado's mandatory reporting law creates three duties on the part of mandatory reporters: 1.) to identify abused and neglected children; 2.) to report these children to local authorities; and 3.) to protect these children when necessary.

This project provides church leaders with a useful educational resource for training staff about these specific legal duties. It will include live training that will be put on a CD for use in a local church.

**Dave Furman** is a magistrate in the Denver District Court, having recently moved from the Juvenile Court where he presided over child protection cases. Dave worked for years as a guardian ad litem in child protection and domestic relations cases. He has presented at numerous seminars and published on topics specific to family law, and is on the faculty of the University of Denver Graduate School of Social Work where he teaches courses in law and policy to graduate students. Dave co-authored the nationally syndicated textbook, *Law in Social Work Practice* (2<sup>nd</sup> ed.), published by Wadsworth Publishing (1999).



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## MEDIA AND THE COURTS CONFERENCE

Increasing the media's understanding of the courts is vital to increasing the public's understanding of the courts. The Supreme Court of Appeals of West Virginia, in cooperation with the West Virginia Bureau of The Associated Press, held a one-day educational program for reporters who cover the courts. The audience and presenters included about 50 journalists, West Virginia Supreme Court justices and staff, circuit judges, and court clerks. Topics included an overview of the court system, the anatomies of civil and criminal cases, appellate procedure, judicial ethics, access to information, and a roundtable discussion of the relationship between the media and the judiciary. A former United States Supreme Court AP reporter who now works as a public information officer for the Administrative Office of the U.S. Courts was the keynote speaker.

The goal of this project is to provide the journalist participants with the information they need to better report on the courts and to help strengthen relationships between members of the media and the judiciary.



**Michelle Tulane Mensore** became the Supreme Court of Appeals of West Virginia's first Information Services Director in 1998. Her position, which includes serving as the court's media spokesperson and educating the public, press, bar, teachers and students about the West Virginia court system, combines her backgrounds in law and journalism. Before joining the court, Michelle practiced law for three years as a West Virginia Assistant Attorney General and for two years at West Virginia's largest law firm. In 2003, she taught Media and the Law as an Adjunct Instructor with West Virginia University's Master of Legal Studies Program.

Michelle graduated from Washington & Lee Law School in 1993, where she was a Notes and Comments Editor of the *W & L Law Review* and authored "The First Amendment Fights Back: A Proposal for the Media to Reclaim the Battlefield After the Persian Gulf War". She earned a master's in journalism in 1990 from Northwestern University and a B.A. *cum laude* from the University of Notre Dame in 1989. She has written freelance articles for various publications and hosted the cable television show *Legally Speaking*, sponsored by the West Virginia State Bar. In 1998, she was a finalist in the Judicial Fellows Program sponsored by the United States Supreme Court. She is the Treasurer of the Conference of Court Public Information Officers, an international organization of state and federal court public information officers.

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**DETERMINING JUVENILE COMPETENCY TO STAND TRIAL IN SERIOUS  
CRIMINAL AND DELINQUENCY CASES:  
A New Frontier for Judges**

Increasing numbers of young men and women appear before criminal and juvenile courts charged with serious crimes of violence. The foundations of the rehabilitative approach to juvenile crime are subject to increasing challenge from many quarters. Judges are called to reexamine process and standards for assessment of juvenile competence to stand trial in an era when the consequences of commission of violent crime by young people have become so great. This program provides trial judges with the tools to make responsible and sustainable determinations of juvenile competency to stand trial in serious criminal and delinquency cases.

The curriculum provides a brief review of the history of constitutional criminal procedure applicable in criminal and delinquency cases involving juveniles. The participants then engage in a process of identifying "traditional" elements essential to the determination of criminal defendants' competency to stand trial. Working in teams, the participants are invited to identify those additional elements of a competency determination that would serve to supplement traditional tests in cases where the defendant is a juvenile.

In the course of the program, participants will thoroughly review the state of the law as to determinations of competency to stand trial, and the complexities presented for the judge. Particular emphasis is provided upon emerging studies in the psychology and psychiatry of juvenile cognitive and ethical development that have caused a re-examination of the legal criteria for determining juvenile competence to stand trial. Consideration is given to new models of juvenile competency determination that have been adopted in some jurisdictions, and that are currently under consideration in others. Upon completion of the course, judges will have greater confidence in their abilities to render just determinations of juvenile competency to stand trial. They will have working familiarity, not only with traditional elements of competency determination, but with new models for analysis and fair determination of juvenile competency to stand trial in serious criminal and delinquency cases.

**Walter M. Morris, Jr.** has served as a District Court Judge in the State of Vermont since 1990. At the time of his appointment to the bench, he served as the state's Chief Public Defender. He began his legal career as a VISTA volunteer. As a judge and in law practice, he has long had special interests in criminal and delinquency law and procedure. He has been active in judicial branch education since 1998, and has regularly served as an instructor at Vermont's annual judicial college. He presently serves as a member of Vermont's Judicial Branch Education Committee.



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## RELINQUISHMENT & ADOPTION UPDATE

A relinquishing parent comes to court with shame, fear, and unbelievable grief at the death of the parent/child relationship with that child. They are usually poor, young, and, for the woman having recently given birth, with the attendant indignity and pain. For some, this is a first experience of court –the anticipated formality, the ability to take away freedom. For others, this is yet another negative court experience.

An adoptive parent comes to court with shame, fear, and anxiety. Many have spent years hearing nothing but “NO” to their desire to parent. They are much poorer financially than if they had given birth. They are afraid that they actually ARE inadequate – that their own inability to have children really was some cosmic or God-given sign that they were not supposed to parent.

The curriculum and training in Adoption and Relinquishment is intended to provide an understanding of the parties as they come to the court. First, legal requirements for each type of adoption and relinquishment/termination hearings will be presented. Second, exposure to the effect of the manner in which hearings are conducted will be demonstrated through video tape interviews with parties after court – both good and bad. Participants will be asked to reflect on videotape segments and their own behavior in conducting these hearings and how they might change their practice, as well as share any special procedures and practices with which they have found success.



**Magistrate Babette Norton** has served as a District and County Court Magistrate in the First Judicial District (Golden, Colorado) since 1989. In this capacity, Magistrate Norton hears all types of cases involving the Colorado Children’s Code as well as divorce and custody matters. Before joining the court system, Ms. Norton served as an Assistant County Attorney in both Jefferson and Adams counties, as well as a Deputy District Attorney in Pueblo and also has been in private practice. She received her Juris Doctor from the University of Denver in 1981 and previously received a Master of Accountancy and a Bachelor of Arts from the same institution. Magistrate Norton has provided training to judicial officers, social services caseworkers, medical personnel, psychologists, social workers, foster parents, attorneys, and CASA volunteers in the successful presentation and completion of child maltreatment cases, relinquishment, adoption, and child custody matters. She currently serves as President of the First Judicial District Bar Association, and has previously served on the Board of Trustees and as the editor of the 1<sup>st</sup> J.D. Bar Association newsletter, The Proclamation. In 2003, she received the Linda T. Palmieri Award for Service to Children.

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## BUILDING JUDICIAL CULTURAL COMPETENCY WITH MEXICAN AMERICAN COURT USERS

In California, over 50% of newborns have Hispanic surnames, and it is estimated that by the end of the first quarter of the 21st Century, Mexican Americans will be the majority population of the State. Such a demographic shift requires knowledge beyond the law. It requires knowledge about cultures and cultural differences. This interactive course provides judges with historical and social-cultural information about Mexican Americans, information about their perception of the courts, approaches to communication and strategies for building public confidence from the bench.

As a result of this course, participants will be able to:

- Describe the history, cultural traditions, and life experiences that many Mexican Americans share;
- Discuss common challenges that Mexican Americans may face after immigrating to the US;
- Explain how many Mexican Americans may view the courts and the justice system in America and the impact of this view on how to deliver excellent customer service and ensure equal treatment and access;
- Describe current population trends among Mexican Americans in California and discuss the implications for the delivery of court services; and
- Practice skills to effectively communicate with Mexican Americans from the bench

**Michael Roosevelt** is a program manager and education specialist with the Center for Judicial Education and Research (CJER), the Education Division of the Administrative Office of the Courts. He is primarily responsible for developing, implementing and coordinating fairness education programs for California court employees, judges and administrators. Recently, he developed a new fairness education program for judges and court employees, covering race, gender and sexual orientation issues in the courtroom. At least twice each year he teaches for the National Judicial College on the topic of fairness and access.



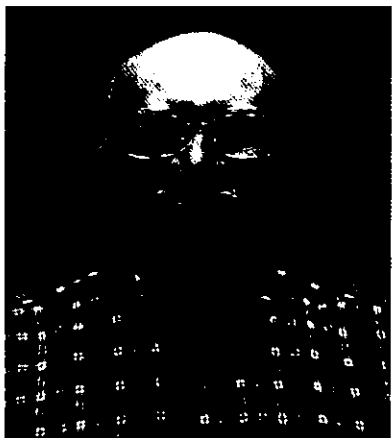
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**PROTECTING THE INNOCENT, CONVICTING THE GUILTY:  
The Role of Electronic Recording of Confessions**

Notwithstanding recent advances in the forensic sciences, confessions of criminal suspects remain the dominant mode of proof in convicting persons accused of crime. This program demonstrates why requiring law enforcement to electronically record all custodial interrogations of criminal suspects protects the innocent and convicts the guilty.

The program will be presented to prosecutors, criminal defense attorneys, and legislators in an effort to statutorily require in West Virginia the electronic recording of the complete interview and custodial interrogation of criminal suspects by the police.

This program discusses why the guilty may confess, why the innocent may falsely confess, what makes a confession inherently valid, and how electronically recorded confessions help ensure that confessions that are not inherently valid are otherwise trustworthy.



**Judge O. C. Spaulding** is a general jurisdiction judge for the Circuit Court of Putnam County, West Virginia. He has been on the bench since 1993. He was a prosecuting attorney for sixteen years prior to being elected a judge. He has tried numerous cases as a criminal defense attorney, prosecutor and judge since his graduation from the West Virginia University College of Law in 1973. He regularly teaches criminal law to judges, prosecutors and criminal defense attorneys in West Virginia. He is a frequent lecturer in criminal law and evidence for the continuing legal education program of the West Virginia University College of Law. He believes criminal trials provide judges and jurors their most important and greatest challenge in the quest for the truth.

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## Experiential Learning Opportunities

An Experiential Learning Opportunity (ELO) offers participants and faculty an opportunity to experience a situation in which other learners have explored their passion, leaving behind a unique path of trials and successes from which we can all learn.

Based on the Experiential Learning Model of David Kolb, Experiential Learning Opportunities are incorporated into each phase of the Institute for Faculty Excellence (IFE). The particular sites for ELOs are chosen because of their relevance to the curriculum, and to pressing current issues facing our system of justice, and are supported by curricular materials which are distributed to participants in advance of the ELO.

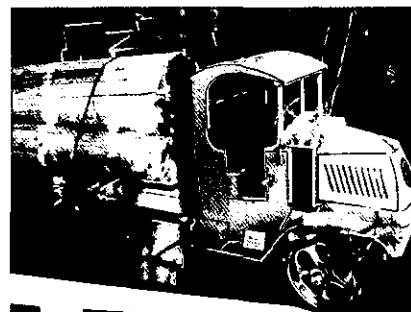
The initial learning objectives for each ELO are unique, but of equal importance is the time to process the information learned. The 2003-04 IFE offered three stimulating ELOs from which the participants and faculty learned not only content, but how to utilize this type of experience in their own teaching.



During Phase I, the group visited the Steinbeck Center in Salinas, CA and ended the day at Cannery Row. Participants were asked to read Cannery Row before their arrival and a discussion was held to learn about the use of literature in teaching.

Also during Phase I, participants and faculty took a guided tour of the Asilomar Conference Grounds, part of the Monterey Bay National Marine Sanctuary, where they learned about the environmental, cultural, and historical legacy of the facility, which began as a YWCA and is now part of the California State Park system.

During Phase II, participants and faculty toured the Columbia Gorge Interpretive Center where they learned about the history of the county in which the conference center is located. In honor of the 200<sup>th</sup> anniversary of the Corps of Discovery, they saw Merna DeBolt, a local retired librarian, as she portrayed Meriwether Lewis' mother, Lucy, describing Lewis and Clark's expedition across the country. In addition, participants and faculty had read East of the Mountains, a book about a physician's journey into the woods to commit suicide upon learning he had a fatal disease. The group discussed ramifications, such as ethics, for the courts in cases of assisted suicide, as well as decision-making and wellness.



Following each ELO, time to process and reflect on the lessons learned was provided, with each learner given the opportunity to share his or her personal reflections as each saw fit. The power of the ELO is a vital component of the Institute for Faculty Excellence.



**The Institute for Faculty  
Excellence in Judicial  
Education**

**Impact Evaluation  
1997-2003**

## **Introduction**

In order to determine the long-term impact of the Institute for Faculty Excellence in Judicial Education (IFEJE) since its inception in 1997, an evaluation was conducted to ascertain the “ripple effect” of the project. The purpose of this evaluation was to determine:

- The number of times the project participants presented their project product and to whom
- The Application of the Institute principles to the development of other courses or projects
- The personal impact of the Institute on the participants
- Local, state, national and international impact
- Publicity
- Funding
- Special recognition
- Leadership
- Ongoing or future work.

The results of this study follows.



The Institute for Faculty Excellence in Judicial Education  
**Impact Evaluation**  
January 2004

Although participant reaction and learning has been evaluated during each Institute and immediately after, there exists the need for a long-term impact evaluation to determine and understand the longer-range effects of the Institute on participants, the justice system, and society.

Since its inception in 1997, more than 110 participants, comprised primarily of judges, have completed the Institute for Faculty Excellence in Judicial Education program. All participants were invited to respond to a survey that asked them to provide detailed information about their project, teaching experiences, other programs, and initiatives that have taken shape as a result of the Institute. In addition, participants were asked to describe the long-term impact of their work and to share information about publicity, recognition or awards, funding opportunities, and leadership roles that have come about as a result of the Institute experience. Finally, participants were asked to describe future projects that embrace and apply Institute principles and methodologies. More than one-third of all participants responded to the questionnaire. Where it was important to clarify comments or gain additional information, respondents were contacted by email or telephone. Additional sources of information include memorandums and project summary and previous evaluation reports. Permission was obtained for the use of direct quotes.

Three substantive themes underlie this study: (1) the judge as learner, (2) the learner as a developing individual, and (3) the learner as a judicial educator and leader. Curriculum and learning activities are solidly grounded from both educational and developmental perspectives. An experiential learning approach to curriculum design ensures that each individual engages in considerable self-reflection and introspection. Adult development issues of identity, intimacy, and generativity are recognized and acknowledged as powerful driving forces in the lives of learners.

There is a healthy, holistic approach that recognizes a balance between the personal and professional and between life and work that is essential for integration, authenticity, and congruence.

Although participants are quite capable of dealing with paradox and ambiguity and are accustomed to making decisions based on complex and indeterminate factors, the Institute honors the cognitive development of participants by recognizing that the introduction of new and challenging material may produce anxiety. Thus, programs are planned with careful attention to the blending of challenge and support to enable learners to achieve maximum benefit from the learning experience.

Adult learning principles serve as a guide in the design of activities where a variety of teaching modalities are used with a strong emphasis on active participation. The internal yearning each of us has for pursuing our passion, personal growth, connection, and community is honored. The Institute experience is designed to focus on the learner, geared toward enabling the individual to grow, to change, to be transformed through a heightened sense of self-awareness, new insights and perspectives, and breakthroughs. The learner takes away that which he or she chooses to embrace, having constructed the learning in a distinct and unique way best suited to individualized needs, life experience, and the developmental and intellectual phases of one's life. Motivation comes from and learning occurs within the individual, in an integrated or interconnected way. This intertwining *creative, experiential, emotive, self-directed* and *reflective* way of learning enriches the experience and enables a profound state of transformation through personal growth.

From these frameworks, it is possible to review, analyze, and discuss the process of evaluation.

### **Program Evaluation**

A rigorous approach to the evaluation process should include a plan that is (1) grounded in evaluation and assessment literature, (2) consistent with sound research methodological approaches,

(3) thorough in the planning and design processes, (4) consistent in data collection, analysis, and presentation, and (5) multifaceted in its approach. Further, there should be a practice of ongoing critical critique and a plan for continuous improvement based on the evaluation process. This methodology in employing judgment, measurement, and assessment allows for a deep understanding of individual learning and development, not only through a system of frameworks but by understanding the learner from a holistic perspective.

### **Approach to Assessment**

A focus on outcomes that are driven by the organization's mission can lead to the successful evaluation of learning and provides the basis for the development of a plan that not only provides evidence of participant development but also encourages continuous improvement. The most effective practice is to establish desired outcomes in objective terms. For example, have learners gained new perspectives, insights, or tools that will be useful in their work? Does the learner view his or her role as a judge differently? Will the learner approach his or her work in a new or different way as a result of the learning experience? Once desired outcomes are defined, a plan for how to measure and assess results must be devised and a process identified for data collection and analysis. Finally, there should be a plan for how the information that is gathered will be utilized.

### **Program Evaluation Taxonomy: Levels of Investigation**

Kirkpatrick originally proposed a well respected and most often used taxonomy for assessing the effectiveness of training and development programs. In Kirkpatrick's taxonomy, there are four levels of criteria: *reactions*, *learning*, *behavior*, and *results* (impact). Each level has different objectives and is used to examine different aspects or qualities of the program, building upon the previous one and providing pertinent information that can be used to improve programming or the learning organization as a whole.

Kirkpatrick identified four conditions necessary for change to occur: the person (1) must have a desire to change, (2) must know what to do and how to do it, (3) must work in an environment conducive to the planned-for behavioral change, and (4) must be rewarded, either extrinsically or intrinsically, for changing. In addition, educators must know and understand the environment to which the participant is returning.

Kirkpatrick's conceptual design for the four-level approach to program evaluation was derived from the need and desire of stakeholders to evaluate different aspects of professional development programs. Each of these aspects can be important, dependent upon the needs of the user. By establishing exactly how the evaluation will be used and the expected program outcomes, evaluators can assess which level(s) of evaluation are important.

Kirkpatrick's four levels represent a sequence of ways to evaluate a program. Each is important and has an impact on the next level. A brief description of each level and its significance is presented here.

*Level One – Reaction.* Evaluation on this level measures how those who participate in the program react to it. Positive reactions to a program help to create a conducive environment that supports and encourages learning. Measuring reactions to physical environment, content and materials, presenters, program coordination and communication, and other similar elements and processes of the program provides valuable feedback for improving future programs and aids in the development of standards for performance. Upon comparing the results of the evaluation and participant comments to those standards, a plan of action to improve future programs can be devised.

*Level Two – Learning.* According to Kirkpatrick, learning can be defined as the extent to which participants change attitudes, improve knowledge, and/or increase competencies as the result of attending a program. Learning takes place when one or more of these occur. Through the use of

objective instruments to assess learning, it is possible to gage the effectiveness of a program by comparing the changes in learning that take place as a result of program participation.

*Level Three – Changes.* By measuring changes over time we can determine whether the enhanced level of knowledge, the increase in competencies, and/or the changes in attitudes gained from attending the program transfer and are sustainable in the work environment.

*Level Four – Results (long-term impact).* Some programs are designed to improve quality, decrease costs, improve efficiency, or result in other long-term desired outcomes. Level four guidelines provide the framework utilized to measure the long-term ripple effect of the Institute for Faculty Excellence in Judicial Education program.

The evaluation is viewed from the perspectives of personal, local, state, national, and international impact.

## **The Study**

Products to result from Institute projects include seminars, workshops, conferences, ‘train the trainer’ programs, and presentations at local, statewide, national, and international levels, with audience size ranging from as few as 25 to as many as 750. Publications include articles, materials, manuals and reference guides, booklets and pamphlets, bench books, and procedures. Videos and other interactive training or instructive materials for parents, guardians, and custodians in child abuse and neglect cases inform individuals about their rights, responsibilities, and the court processes. Web-based projects include the development of electronic legal forms, sites for web-based communication, electronic learning, and programs to promote judicial and legal expertise in securing electronic information and analyzing putative electronic evidence. Other projects have included, for example, the creation of a professional association for the purpose of developing a

model for alternatives to litigation for marital termination and other family conflicts, a system for the certification of nonlawyer judges, and a center to assist self-representing litigants.

### **Personal Impact**

Many of the respondents gave statements about the personal impact the Institute has made in their lives. Below are representative examples:

Judge Deborah A. Agosti (Nevada): "I consider teaching a crucial part of my duties as a judge. I found my teaching techniques much improved and I continue to incorporate those techniques as I develop and present material."

Judge Phil D. Schaefer (Michigan): "The Institute for Faculty Excellence opened the door to the next stage of my life, giving me a license to explore, to be creative. The Institute re-energized my life ...and soul. I have developed a wholesome lifestyle that addresses diet, exercise, and meditation. This program has enriched my life as a judge and as an educator by introducing me to perspectives and challenges that I never knew existed."

Judge James Hoolihan (Minnesota): "The Institute was a transforming experience for me. Not only did it provide me with the theoretical background that has increased the effectiveness of my personal teaching, it has greatly enhanced my self-confidence in my capacity and abilities to teach. I am now Chair of the Minnesota Judicial Education Committee and serve on the Minnesota District Judges Education Committee."

Judge David L. Mower (Utah): "This was a renewing and rejuvenating time for me. It led me to focus my thinking about the judiciary's role and what I might do to advance and improve it."

Judge Susan Fayette Hutchinson (Illinois): "The Institute truly enlightened me, made me a better judicial educator, and gave me new techniques that would allow me to reach out to all the participants."

Judge Karen Arnold-Burger (Kansas): “The Institute opened a new world up for me, giving me the most unique opportunity I have ever had to look at our judicial system and decide what I thought needed to be changed and then given the tools and professional support to accomplish it. I can’t tell you how much attending the Institute has done for me both personally and professionally. You taught me to follow my passion and it has made me a better judge.”

Judge Paul Lipscomb (Oregon): “The materials presented at the Institute have made me more in touch with the priorities in my life; I am more consistently “authentic” and my actions are better aligned with my values. I am happier, more successful, and truly believe that as our Presiding Judge, I have been able to have a more positive impact on my fellow judges and on my community.”

Judge James Dehn (Minnesota): “My participation in the Institute brought my teaching skills to a level that I did not believe possible. My teaching was not only inspired with a renewed vision and passion but this program has brought passion to my personal life as well.”

Judge Celeste F. Bremer, Ed.D. (Iowa): “As a result of the Institute and my exposure to the techniques used there I pursued and was recently awarded my Doctorate in Education. I found this life changing and most affirming. The Institute was deeply moving, causing reflection about my passion for teaching. It is quite literally a mind-boggling program. The project for IFEJE just demonstrated what can be done if one comes to understand there are no limits, although the project was just one element related to the Institute experience that caused a paradigm shift in my approach to teaching, learning, and interacting with the public, attorneys, and colleagues.”

Judge Amy Davenport (Vermont): “The Institute changed the way I do my job. It has also changed the way I participate in administrative work. Using the Institute principles has resulted in collaboration and productivity at an extraordinary level.”

Judge Gary Meyer (Minnesota): “The Institute encouraged me to follow my passion, something I would never have done otherwise.”

### Long-term Impact at Local, State, National, and International Levels

As a result of this work, judicial systems nationwide have benefited. Projects and the subsequent work that has resulted from the Institute experience are not only diverse in nature but have quite literally touches the lives of thousands of citizens. It is clear that the impact has been widespread with broad implications for the justice system and society in general. Those who have benefited from educational and training programs include judges and other court personnel, attorneys and public defenders, law enforcement, corrections, and probation officers, law professors and students, potential litigants, agency personnel (e.g., child protection), parents, guardians, custodians, and numerous others. Within the judicial system, programs and projects have improved not only the quality of life for court personnel but have enabled systems to function more smoothly and efficiently while serving the community in a more effective and, often, a more compassionate way. Judges and other court personnel are better equipped and prepared to fulfill their work roles. Community service agencies and public programs have been established and others are in the planning stages. Written guidelines, checklists, procedures, and other publications and Web sites have been developed to assist those entering the court system. In many instances resources, support, and knowledge have been shared outside the local environment, extending statewide, throughout the US, and sometimes to the international level. Below are some examples of the long-term impact of the Institute:

*Ohio.* “As a result of the IFEJE training program I was able to lead a comprehensive curriculum planning effort for judicial education throughout the state of Ohio, develop innovative courses to teach judicial ethics, and better fulfill my responsibilities as a member of the Board of Trustees for the Ohio Judicial College.”

“The Institute’s work has had a positive and profound impact on the quality of judicial education for countless Ohio judges.”



“The 5.5 hour CLE ethics/professional course for judges and magistrates has been presented throughout the nation, including Hawaii, to audiences as large as 700. I estimate that over 3,000 judges have attended this program. Last fall I presented the program to a group of Canadian judges in Nova Scotia.”

*North Dakota.* “Under the exceptional guidance of Dr. Pat Murrell and the Institute, the team from North Dakota developed, refined, and implemented a consolidated educational plan for all personnel of the judiciary for the state...”

*Missouri.* “As a result of the Institute experience I have traveled the entire state of Missouri teaching state trial and municipal judges about racial biases in judicial decision making and have developed a program for new judges that addresses issues of diversity”.

*Kansas.* “By using my position as a judge and the project developed as a result of the Institute to educate parents about underage drinking I feel I have made a difference in my community. At a national level, the Judicial College continues to receive at least one request weekly from judges/courts from all over the country who are seeking copies of this program.”

*Minnesota.* “Those who attend the Aviation Law class I have taught for the past 15 years at the local university have greatly benefited as a result of my exposure to the Institute for Faculty Excellence in Judicial Education” and “my presentation on rebalancing in the areas of physical, mental, emotional, and spirituality for both new and experienced judges, presented in Minnesota and throughout the country, use transformational learning tools to help people make lifestyle decisions that I believe aid them in doing their jobs with less stress and contribute to their living well and longer.””

“...the teaching skills and confidence I gained through the Institute have enabled me to teach at a national level from Washington D. C. to the National Judicial College in Reno, Nevada. More importantly, my desire to make a difference is being realized” at a national level.

“As a result of the Institute experience I established a panel of other judges who are hearing impaired. The hearing-impaired program was presented throughout the state of Minnesota. As a result, Minnesota courtrooms have become better equipped with audio systems and court personnel have a greater awareness and sensitivity to hearing limitations and what to do about it. The difference this has made in the state of Minnesota cannot be quantitatively measured.”

*Wisconsin.* “As a result of my experience with the Institute, the county in which I preside has a self-help center that assists literally thousands of people with self-presentation in family court matters. It has received national recognition and I have been asked to assist in setting up similar centers in other parts of the country... “In 18 months of operation, our self-help center has responded to more than 50,000 inquiries both online and in person.””

*Colorado.* “We have promoted the use of the educational concepts that we learned at the Institute for use in judicial education throughout the Colorado judicial branch.”

*Kansas.* “I believe there has been a significant long-term impact in Kansas. I have introduced judges to a topic that they felt was outside of their realm or area of responsibility and shown them ways to measure their own biases.”

“I developed and implemented a judicial education and testing program for nonlawyer judges and was assigned the duty of educating, evaluating, and approving judges who meet the state educational requirements for certification.”

*Arkansas.* This project resulted in a booklet (available in English and Spanish) that has been made available statewide to persons involved as defendants in child abuse and neglect proceedings. A video has also been produced, based on the booklet, by the State Administrative Office of the courts for statewide distribution. Both the booklet and video are widely distributed and we receive frequent requests for copies.

*New Jersey.* “Based on the study completed in my project, the New Jersey Council of Juvenile and Domestic Court Judges undertook a further assessment and presented its findings to the Conference of Presiding Judges for the Family Division”... “Currently, the original report and the follow up report which I authored for the NJCJFCJ is the basis of a recommendation to create career Family Part Judges” ...and will be submitted to the Administrative Office of the Courts for possible implementation.””

*Vermont.* “the impact of IFEJE is felt every day by the litigants and lawyers who flow through my court room.”

*California.* “I have been teaching extensively in the California Judicial College and have been training other teachers as well. The IFEJE principles and methodologies are an integral part of my approach”.

*West Virginia.* “I have used the IFEJE principles in preparing training materials for the magistrate court. This has included materials prepared for domestic violence procedures and legislative and basic procedural changes. These projects will have substantial impact on the court system and the general public for years to come.”

*Iowa.* “The Institute project led to my work on mentoring and has been recognized at the state level. In addition, I have authored an article on mentoring for newly appointed judges, in press – spring ‘04.”

*Utah.* “The bench book created for juvenile court judges in Utah was published and distributed throughout the state. I also give judicial educational presentations on a regular basis.”

*Illinois.* “The project resulted in the development of a protocol and curriculum for a weeklong education program for judges who have been on the bench for more than five years and has been presented at the Illinois Advanced Judicial Academy. We have more judges than we can

accommodate who want to attend. In addition, other states have requested the program plan and it has been provided to Russian judges.”

*Indiana.* “I have been appointed by the Chief Justice of Indiana to serve on the Education Committee of the Indiana Judicial Center and have been active in developing a Master’s Certificate Program for Indiana Judges.”

*Michigan.* “We are creating a multi-county treatment center for substance abuse recovery of juveniles. My video, produced as a result of the Institute project, has been supplied to numerous courts who have then placed children in our program.”

As a result of the Institute experience, a number of the participants have been given opportunities to share their work and expertise with judges outside the United States. For example, one respondent has recently presented her Institute project at Robert Gordon University, Aberdeen, Scotland and was invited to participate in a judicial education “Train the Trainers” program sponsored by the Federal Judicial Center in Serbia and Montenegro. Others have presented in Canada, Ireland, the Netherlands, and Russia.

### **Publicity**

Respondents were asked if the Institute project has received any press or publicity. Some examples of articles and interviews that have appeared in magazines, court journals, local, regional, and national newspapers, radio, and local television stations include:

- The publication of a series of articles in the Kentucky Bar Journal by Michael Losavio related to computer forensics and information security.
- Judge Donna Mitchell’s project received recognition in the Supreme Court of Ohio newsletters.
- Linda Rae Artimez’s training programs, developed as a part of her Institute project, were publicized in regional newspapers. In addition, the opening of West Virginia’s Mental

Health Court received press across the state, was featured on WV Public Radio, and was picked up in the national press.

- Judge Karen Arnold-Burger's project, "A Wrong of Passage", was published in a newsletter sponsored by the ABA and The National Highway Traffic Safety Administration *Highway to Justice*, Summer 2003 edition.
- Judge Denny Parish's work has appeared in national publications and on web sites.

### **Funding**

In addition to reports of numerous local and state grants to fund programs, videos, and the printing and distribution of brochures and materials, the following grants stand apart as examples of the positive financial impact on state and local budgets that have come about as a result of Institute projects:

- The State of West Virginia received a \$150,000 federal grant for the creation of Mental Health Courts in WV from the Bureau of Justice Assistance, Dept. of Justice. The concept paper that secured the grant represented the Institute educational project.
- The Ohio Supreme Court awarded Judge Denny Parish a \$10,000 grant to create the Institute project.
- Two grant proposals related to the Institute for Faculty Excellence in Judicial Education project, developed by Judge Diane Palos (Ohio), are pending.
- Judge Karen Arnold-Burger's (Kansas) parental program on underage drinking, "The Wrong of Passage", developed as a result of the Institute, has received \$40,000 in state and local money to fund a community program and commission two videos.
- Judge Kathryn Foster (Wisconsin) has received numerous grants including the Milwaukee Foundation (\$80,000), the State Justice Institute (\$12,000), the State Bar Association, and a local Department of Aging grant.

### **Other Projects or Initiatives**

Respondents were asked to describe other programs, projects, or initiatives aside from the Institute project that have been developed or initiated, using Institute principles and teaching methodologies. Virtually all of the respondents to the survey have continued to pursue their passion for teaching and learning through ongoing development of programs or pursuit of projects they feel passionate about and all indicated that they apply many, if not all, of the Institute teaching principles and learning methodologies. Their responses suggest that participation in the Institute has modified their thinking, given them new perspectives, techniques, and tools with which to improve their work. The Institute has enriched not only their own lives but also the lives of countless others. In general, they state that, although they might have had teaching opportunities come their way, they have embraced these opportunities with renewed passion, have stretched themselves outside their existing boundaries, and have accepted challenges they would never before have accepted. Many of them expressed a renewed faith and belief in the purpose of judicial education and the importance of its role in improving not only the justice system but also society as a whole.

Respondents reported that they continue to reflect upon the Institute experience as they live their daily lives and that the meaning of this experience has not diminished over time. Although they struggle to balance priorities in their lives on a daily basis, the Institute experience has helped to remind them of the significance of making time to pursue one's passion. For them, it is this pursuit of their passion that continues to keep them energized. The Institute experience has played an integral and vital part in this as they have gained new perspectives, enhanced self-awareness, and found or renewed their passions.

## **Special Recognition**

They indicate that, as a result of this experience, they have pursued or been given leadership opportunities they would not otherwise have had and many of them have received special recognition as a result of their work. Several of the respondents indicated that they have received State Public Service Awards and Special or Distinguished Awards given at national association meetings. Of particular note are the following:

- Judge Donna P. Mitchell (Ohio): Received the distinguished Service Award from the Ohio Chapter of the American Society on the Abuse of Children (2002).
- Judge Phil D. Schaefer (Michigan): Received the Public Service Organization Award from the American Society for Public Administrators (1999).
- Judge Kathryn Foster (Wisconsin): Received an international award from “Justice Served” as one of the Top 10 Court Web sites and recently received the County Executive’s Award as the government agency of the year.
- Judge James Dehn (Minnesota): Received the National Paul H. Chapman Award from the Foundation for the Improvement of Justice (2003).
- Judge Celeste Bremer (Iowa): Received the Belle Babb Mansfield Award for her work in mentoring women.

## **Leadership**

Most believe that the leadership roles they have assumed outside the courtroom are a direct result of the Institute experience. They now serve on judicial education committees, chair committees and task forces in setting up community programs, serve as officers in nonprofit organizations, have assumed leadership roles in developing mentoring programs for new judges, serve as mentors and consultants both in their own states and nationally to advise and assist others

in implementing programs and other initiatives, consult with national agencies such as the National Drug Court Institute, have developed and presented training programs and materials to train other judges using the Institute principles and methodologies, and have served as faculty and mentors for the Institute itself. Their leadership has taken them into the classrooms of colleges and law schools where they share their knowledge, experience, and talents to teach future lawyers and judges in areas as diverse as aviation and procedural law, ethics, and the law and literature.

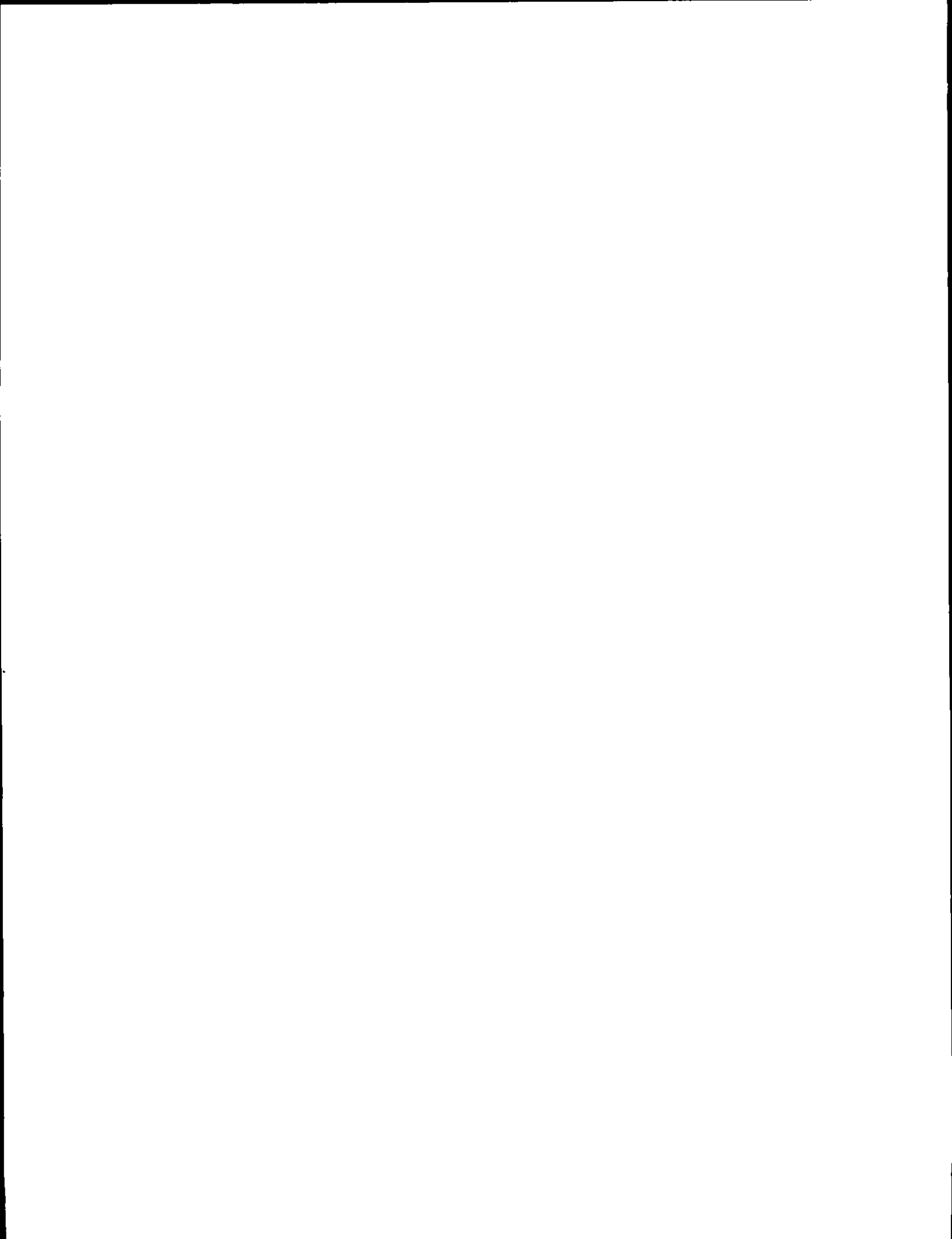
Perhaps most revealing is the enthusiasm and passion they have in continuing the work they have begun. Not only have they been engaged in a host of other programs and activities since completing their projects, they have found that the Institute experience has spurred them on to pursue other passions. For example, Judge Karen Arnold-Burger wrote “this program gave me the confidence to address another issue that I am passionate about – underage drinking”. Judge Gary Meyer developed a committee of judges and administrators to ensure access in the courts for the hearing impaired and developed a questionnaire as a follow up to determine what had been done.

Several of the respondents have planned and presented seminars, workshops, and conferences on topics of importance but unrelated to their projects, such as the seminar on Emotional Intelligence Judge James Hoolihan has recently developed that is being presented to judges in the state of Minnesota and in other states across the country. Still others have refined, expanded, or otherwise enhanced their original project and are seeking new ways to make a difference through their work. For example, the pro se litigation program developed by Britt Lindstrom and Mary Lowell from the state of Kentucky has undergone revision and refinement and has been presented throughout the state to more than 1,300 judges, lawyers, and court personnel.



## The Future

What do they have planned for the future? Most of the respondents are actively engaged in the future, continuing to pursue their passions through new projects, programs, or other activities. They have come to view their role in a generative way; their thinking modified by the “extraordinary” and “unique” Institute experience. Their passions are now viewed as an important part of their role as judges. For example, Judge Amy Davenport expressed her view that “IFEJE changed the way I do my job because it made me realize that education is a fundamental part of a judge’s role...I now try to get other judges to recognize their role as educators.” Judge Phil Schaefer has recently worked to establish a foundation to assure funding of a program to offer drug court services to the extended family of participants for the purpose of addressing issues such as co-dependency and enabling behaviors. In addition, a program to deliver “wrap around” services for young adults ages 16-21 is under development and his court is one of two in the state that is developing a pilot project with the Michigan Department of Corrections to offer innovative addiction services to new parolees. Others such as Judge James Hoolihan are planning a series of articles based on his research related to work-related stressors among judges, the role of emotional awareness, and effective coping strategies. Still others are planning community centers, additional workshops, and a host of other activities centered around the passions they have discovered or renewed as a result of the Institute experience.





*Faculty and Participants on the Columbia River, Stevenson, Washington*

“No problem can be solved from the same consciousness that created it. We must learn to see the world anew.”

-Albert Einstein



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