

EDUCATION, TRAINING, AND DEVELOPMENT

Introduction: What This Core Competency Is and Why It Is Important

Education, Training, and Development can help courts improve court and justice system performance and achieve their preferred future. To understand what this entails, a paradox must be kept whole. That is, the judiciary must maintain the rule of law through enduring principles and predictable processes while also responding to powerful forces shaping both society and the judiciary.

The end is excellent court and justice system performance. One means to this is the education, training, and development of judges and court staff, especially those in and aspiring to leadership positions, and many others both inside and outside the court. Thus the term judicial branch education as opposed to judicial education.

Because judicial branch education helps courts maintain balance between the forces of change and enduring principles and predictable processes, it cannot be remedial and limited to training. Rather it is strategic and involves education, training, and development.

Court leaders who oversee, fund, plan, and deliver judicial branch education identified the forces that will shape society and challenge the judiciary through the year 2020 during the 1999 National Symposium on the Future of Judicial Branch Education. The symposium results were published by the Michigan State University based Judicial Education Reference, Information, Technical Transfer (JERITT) project. With some modifications, the forces identified in the JERITT publication and their implications are:

- **Demographics and population shifts:** By 2050, or perhaps even sooner, there will be no dominant racial or ethnic group in America. The impact of global interdependency and needed multi-cultural competency extends far past interpretation and translation to the very heart of Anglo-American jurisprudence. Education, especially for experienced professionals, should challenge learners to take account of the demographics and population shifts challenging the judiciary.
- **Science:** DNA, cloning, surrogate parenting, and genetic engineering -- to name a few -- present novel legal, moral, ethical, and operational challenges.
- **Technology:** The American economy has evolved from an industrial to an information base. Court customers expect on-time and accurate communication and information. Private sector consumer service models and technology-based "do it yourself" solutions have relevance for the judiciary and judicial branch education. Court employees increasingly work in electronic mediums as information managers rather than in paper intensive environments as filing clerks. With education and technology, they can add value through informed and timely decisions and communication.
- **Resource Limitations:** At the very best, public budgets will be stagnant. Competition for talented staff will increase. Talented staff must be identified and developed through career-long and enlightened judicial branch education and human resource practices.
- **Decreased Public Satisfaction and Increased Public Expectations:** Both national and state surveys indicate that the public thinks less of the judiciary than in the past, yet expects more from it. There are significant questions about the justice received by the poor and people of color. A national conference for state teams selected and led by the 50 state chief justices identified, and NACM confirmed, that the number one current and future issue on the national public trust and confidence agenda is unequal treatment in the justice system. Courts at all levels must address this issue in their judicial branch education programs.
- **Self-Represented:** More and more people will come to the courts without lawyers. The line between service and giving legal advice is increasingly tested across all case types. Appropriate responses require education, training, and development of judges, staff, and others on whom the courts rely to do justice.

EDUCATION, TRAINING, AND DEVELOPMENT

- Different and Expanded Services: Courts do not and clearly will not "just" resolve cases. Effective justice and efficient case processing means problem solving. Routine business practice requires more than basic skills and on-the-job training. Education is critical to needed collaboration with other governmental entities and judicial and staff competence.
- Resistance to change: Even as the above forces of change are acknowledged, courts and their leaders often work to retain the courts' traditional decision rules, structure, and processes. They do so when judicial independence or impartiality is or appears to be threatened. Judicial branch education must comprehend both enduring principles such as rule of law, due process, equal protection, and independent and impartial judicial decisions and the need for change.

To meet these challenges, education, training, and development must be:

1. Continuous and creative – responding both to traditional legal processes and powerful and changing demands;
2. Inclusive – ensuring that education, training, and development (judicial branch education) happens in all trial courts and across the judiciary and justice system and is delivered to a target audience that is broader than judges and court staff;
3. Accessible and tailored – requiring that personal and professional growth and skill development opportunities are equally available and readily available and affordable, in time and money; and that they consider the background, experiences and needs of individual judges, staff, and others on whom the courts depend;
4. Well-managed – ensuring that judicial branch education for judges, staff, and others is aligned with the court, its mission, vision, structure, and workflows and that it is well-managed and built around sound adult education methods and advanced technology.
5. Evaluated – making sure that judicial branch education programs evolve in response to the social context, needs for equitable access to development opportunities, and assessments of their success in meeting personal needs and organizational priorities.

Court leaders must actively lead judicial branch education in their courts. Education, Training, and Development are not pleasurable diversions from daily routines, training for the sake of training, or a luxury. Effective court leaders ensure that Education, Training, and Development are recognized as essential and build a culture to support it. This means excellence in programming; demonstrable results, both inside and outside the courts; and reliable and consistent funding.

The target audience is diverse in education, experience, professional orientation, age, gender, and race. Courts have employees who remain with the court their whole career. They also have employees who come and go quickly. When education and training and human resources are aligned, the court is better able to identify, develop, and retain its best employees. When talented staff leave the court, competent replacements take their place or are recruited from the outside. This ensures that the most promising people find job satisfaction and acceptable career paths in specific trial courts and state court systems or in the judicial administration profession generally. While judicial branch education supports succession planning, cross-jurisdictional movement of talented staff benefits all courts through organizational learning across state, county, and court levels, both state and federal. Whenever possible, judges and staff should be educated and trained together. This demonstrates that the judicial and justice system are interdependent; the issues are systemic.

Beginning in the late 1960s, NACM, the Institute for Court Management, and others created a new profession--court management. This early and continuing work prompted acceptance of a new profession throughout the world. Inclusion of judges, court managers, and staff into this profession and its ethos of service and justice is a profound objective of judicial branch education.

EDUCATION, TRAINING, AND DEVELOPMENT

To contribute to the development of individuals, courts, and the court management profession, judicial branch education must: 1) span the career of individuals, and not be limited to orientation or training to perform specific tasks; 2) provide for significant interaction among program participants; 3) include experienced professionals as faculty and in the planning and evaluation process to ensure real and perceived problems are addressed in every program; and 4) address a wide variety of topics, both practical and theoretical. Through programs that meet these criteria, courts are better able to become and remain learning cultures. Education, Training, and Development sustains enduring principles, maintains and protects daily routines, and stimulates needed change. Those in leadership positions set the vision and take responsibility for the maintenance of the organization and its growth and transformation. The bottom line is excellent trial court and justice system performance.

EDUCATION, TRAINING, AND DEVELOPMENT

CURRICULUM GUIDELINES SUMMARY

What Court Leaders Need to Know And Be Able To Do

The Education, Training and Development Core Competency encompasses five curriculum guideline areas:

- Context and Vision
- Resource Development
- Adult Education Fundamentals
- Program Management
- Evaluation

Context and Vision

Judicial branch education helps courts both maintain distinctive values such as due process and equal protection and respond to social forces including: demographics and population shifts, science, technology, resource limitations, decreased public satisfaction and increased public expectations, the self-represented, different and expanded services, and resistance to change. When context, vision, purpose, and organizational performance focus on judicial branch education and define developmental needs, educational resources are better targeted, allocated, and managed.

Effective leaders understand that courts cannot achieve their organizational goals without the help of others inside and outside the court. Courts are embedded in an interdependent justice system, which requires strong judicial leadership. Judicial branch education should encourage and build through interagency cooperation and collaboration. Court inspired collaboration and the strategic inclusion of others in judicial branch education enhances court and justice system performance while broadening judicial branch education resources.

Resource Development

Education, Training, and Development often is perceived as a luxury and, consequently, is assigned a low priority by insiders and funding authorities. Effective court leaders advocate, justify, and work to acquire needed educational resources. As they build awareness among insiders and funding authorities of the need for and benefits of judicial branch education, they persuade others that education is an investment that pays dividends year after year. Persuasive advocacy links education needs to court performance, justice, and public service.

Too often courts advocate for judicial branch education resources only from traditional funding authorities. There are other options. Untapped resources include the budgets, staff, and programs of other governmental branches, universities, the private sector, foundations, entrepreneurial ventures and partnerships, and not-for-profit organizations. Competent court leaders seek out these resources and apply them to judicial branch education. Successful courts find funds and time for Education, Training, and Development because it supports excellent court performance.

Adult Education Fundamentals

For court leaders to oversee judicial branch education, they must understand adult education including: needs assessment, learning objectives, varied curriculum and program delivery including distance learning, faculty selection and preparation, mentoring, and evaluation. Understanding adult education assists court leaders as they manage judicial branch education departments and staff, design and deliver programs, and select and develop faculty.

EDUCATION, TRAINING, AND DEVELOPMENT

Program Management

Education, Training, and Development must be well-managed and aligned with the court, its mission, vision, structures, and, very importantly, its internal workflows. Since court management is a team sport, court leader oversight of judicial branch educators must encourage and reward work with and through others, both inside and outside the judiciary.

Quality education is not likely when the management of the court is not cohesive. When the court is well-managed, judicial branch education is less likely to be a mere add-on or a largely irrelevant diversion from daily routines.

Human resource practice and policy and Education, Training, and Development must be integrated. Managers and staff responsible for Education, Training, and Development and those responsible for recruitment, selection, orientation, job descriptions, job evaluation, classification, performance appraisal, the administration of pay and benefits, and succession planning must be on the same page, especially with respect to promising staff. Both education and human resource policy and practice support and sustain a learning and development culture that is constant and creative, inclusive, accessible and tailored, well-managed, and evaluated.

The need for alignment of judicial branch education with the court's management and operations extends past human resource staff to departmental leaders -- both judges and administrators -- and staff who work on the line, at the counter, on the phone, and in the courtroom. When the court is well managed, judicial branch education can facilitate leadership and other employee transitions by increasing the problem solving capabilities and competence of judges and others in and aspiring to leadership positions. As a result, court performance can be maintained in the face of staffing and leadership changes. In high-performing courts, the contributions of talented staff increase through career-long judicial branch education coupled with skillful management and challenging assignments. When necessary, talented staff are replaced by competent outsiders.

Evaluation

Evaluation validates and values effort and expenditures in relation to desired organizational outcomes. Did the court's performance improve? Learner satisfaction ratings alone are not enough and can even be misleading. While there is no best way or single reason to evaluate judicial branch education, court leaders encourage selection of appropriate measures of success and review and use evaluation data. Evaluation helps leaders and educators as they establish priorities, allocate existing and future resources, and seek to maintain, if not increase, funding.

Effective evaluation helps ensure clear communication of expectations, refines need assessments, ties learning objectives to desired outcomes, facilitates the acquisition of needed resources, and guides the equitable allocation of judicial branch education opportunities and resources. Evaluation improves education methods, faculty performance, and program delivery. Through evaluation, analysis, and discussion of outcomes, court leaders participate in monitoring and improving judicial branch education.

EDUCATION, TRAINING, AND DEVELOPMENT

CURRICULUM GUIDELINES

REQUIRED KNOWLEDGE, SKILL, AND ABILITY

CONTEXT and VISION

RESOURCE DEVELOPMENT

ADULT EDUCATION FUNDAMENTALS

PROGRAM MANAGEMENT

EVALUATION

EDUCATION, TRAINING, AND DEVELOPMENT

CONTEXT and VISION

Education, Training, and Development must prompt the judiciary's enduring principles and take account of the forces shaping society and challenging the court. When judicial branch education is aligned with the court's purposes, responsibilities, and strategic vision, resources are better targeted, allocated, and managed. Because courts are imbedded in an interdependent justice system, judicial branch education must include others on whom the courts depend to deliver justice.

- Ability to tie judicial branch education to the court's social context, its purposes and responsibilities, and the court's strategic vision;
- Skill in ensuring that judicial branch education helps courts respond to its social context and to forces shaping the courts including: demographics and population shifts, science, technology, resource limitations, decreased public satisfaction and increased public expectations, the self-represented, different and expanded services, and resistance to change;
- Knowledge of the NACM Purposes and Responsibilities of Courts Curriculum Guidelines and their application to Education, Training, and Development;
- Knowledge of the Trial Court Performance Standards and their implications for judicial branch education;
- Knowledge of and commitment to our multicultural society, differing cultures and standards, and community understanding and expectations of the courts;
- Ability to promote diversity and to incorporate diversity in judicial branch education;
- Ability to inspire and sustain courts as learning organizations, including support for cross-jurisdictional movement of talented staff;
- Ability to extend judicial branch education to the other branches of government and their functioning departments with the goal of improved court and justice system performance and needed collaboration;
- Ability to engender court policies and practices that support court performance excellence through judicial branch education.

EDUCATION, TRAINING, AND DEVELOPMENT

<p>RESOURCE DEVELOPMENT</p>

Education, Training, and Development is essential for any organization. Courts are not an exception. Effective court leaders know how to advocate, justify, and acquire needed resources. They understand that resources come from traditional budgetary processes and other sources. As court leaders persuasively advocate for judicial branch education, they link quality judicial branch education to court performance and justice.

- Skill in articulating how Education, Training, and Development contribute to court and justice system performance;
- Skill in building and sustaining support for judicial branch education;
- Skill in establishing judicial branch education programmatic and funding priorities;
- Ability to present valid budget justifications for Education, Training, and Development;
- Ability to obtain grant and other funding and education resources;
- Knowledge of internal and external education resources, including national and state judicial branch education providers and their respective strengths;
- Knowledge of effective ways to develop judges and staff as teachers and mentors;
- Skill in creating and developing the courts internal resources to deliver quality judicial branch education;
- Ability to get federal, state, and local providers to focus on judicial branch education, the needs of the court, its departments, judges, and court staff;
- Ability to collaborate with educators from other branches of government and adult education providers generally, in developing entrepreneurial partnerships and building judicial branch education resources;
- Ability to communicate judicial branch outcomes and their benefits to funding sources and other branches of government.

EDUCATION, TRAINING, AND DEVELOPMENT

<p>ADULT EDUCATION FUNDAMENTALS</p>
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Court leaders who understand adult learning, a wide variety of educational methods, as well as differing learning styles and preferences can more effectively oversee Education, Training, and Development. They ensure the best match between learners, teaching methods, and faculty selection and preparation. Effective court leaders know and foster sound adult education practices.

- Knowledge of adult learning theories;
- Knowledge of alternative education delivery mechanisms, including distance learning (e.g., computer self-instructional packages, video teleconferencing, satellite broadcasts, among other methods), multimedia, and supporting materials and processes;
- Ability to improve access to judicial branch education through train-the-trainer models, particularly through distance learning;
- Knowledge of sound curriculum and program development processes and models, including establishing outcomes, conducting needs assessments, stating clear learning objectives, and organizing program delivery around them;
- Ability to oversee assessment of court user needs and to ensure that user needs are addressed in Education, Training, and Development programs;
- Ability to foster programs that comprehend the differing but related objectives of Education, Training, and Development;
- Knowledge of NACM Core Competencies and ability to oversee their incorporation in learning needs assessments and judicial branch education;
- Ability to implement faculty development, including a wide variety of teaching methods, teaching aids, and train-the-trainer models;
- Knowledge of what motivates court employees, managers, and leaders and how personal development contributes to motivation;
- Skill in encouraging presentations that take into account the knowledge, experience, ages, stages of the learning process, and the talents of both the faculty and the learners;
- Skill in using judicial branch education to support succession by identifying the learning needs of judges and staff in leadership positions and those in associated and supportive roles;
- Ability to identify and use faculty with diverse experience and knowledge and from diverse cultures.

EDUCATION, TRAINING, AND DEVELOPMENT

PROGRAM MANAGEMENT

Education, Training, and Development is not an end unto itself. Rather, it supports court accountability for its core responsibilities and desired future. Judicial branch education must be aligned with the court, its mission, vision, structure, and, very importantly, its internal workflows. Linkage to human resources policy and practice is critical. Quality judicial branch education is more likely when the court and its judicial branch education programs are well managed.

- Skill in aligning judicial branch education with the court, its mission, vision, structure, and workflows;
- Ability to communicate expected behavior and court performance improvements resulting from Education, Training, and Development;
- Ability to oversee development and implementation of human resource policies, processes, and best practices that support and reward growth and development of court organizations, judges, judicial employees, and their justice system partners;
- Ability to identify and integrate education and training needs within human resource processes including recruitment, selection, performance appraisal, promotion, and other reward systems;
- Skill in establishing judicial branch education priorities, allocating resources, making decisions about program content, methods, and faculty;
- Skill in using education and training as a means of intervention, both personal and professional, and to bring about system-wide cooperation and problem solving;
- Skill in managing judicial branch education staff and faculty;
- Ability to recognize and reward excellent performance and to validate employee development;
- Ability to both direct staff and listen to them, and to ask effective clarifying questions as well as to tell them what is expected of them;
- Skill in mentoring and in encouraging mentoring throughout the judiciary;
- Skill in management of short-term projects and in developing this talent throughout the court;
- Ability to organize the court and its education function in order to adequately address succession planning;
- Skill in focusing judicial branch education on leadership and other employee transitions and the need to develop, motivate, retain, and recruit talented court employees.

EDUCATION, TRAINING, AND DEVELOPMENT

<p>EVALUATION</p>

Effective court leaders define and communicate expectations to produce desired behaviors, habits, and outcomes. Through evaluation, both formal and informal, court leaders can assess and improve judicial branch education as a means to improved court and individual performance. Competent evaluation helps courts develop and allocate resources. Without meaningful evaluation, the courts' ability to deliver quality judicial branch education is compromised.

- Knowledge of alternative evaluation processes and measures and how to apply them to judicial branch education;
- Knowledge of outcome measures and evaluation methodologies and their application within adult learning arenas generally and with courts in particular;
- Skill in overseeing the assessment of the relationship of judicial branch education and outcomes through, among other means, pre- and post-measurements of court performance;
- Skill in ensuring that evaluation results are presented to appropriate decision makers in ways that are meaningful, interesting, and informative;
- Ability to assess learner achievements and development through observation of behaviors;
- Ability to compare different delivery mechanisms with performance outcomes;
- Ability to develop and provide follow-up assessments;
- Ability to develop and use both short-term and long-term outcome measures that assess Education, Training, and Development impacts on court performance.