

LEADERSHIP INSTITUTE IN JUDICIAL EDUCATION

History

With funding from the State Justice Institute, the Leadership Institute was initiated in 1989. During its fourteen-year history, approximately 425 judges, judicial educators, court administrators and other court personnel from 44 states, Guam and the District of Columbia have attended the annual six-day intensive program along with six national organizations that provide continuing professional education for judges and other court personnel: the National Judicial College, the Justice Management Institute, The American Bar Association's Judicial Division, the National Association for Court Management, the National Center for State Courts, the National Association of Women Judges, and the Center for Effective Public Policy.

Most of these participants have returned for an Advanced Institute one year later. An estimated 2500 additional persons have attended the On-Site Institutes conducted in the states or organizations that attended the basic institute or other programs.

Recognition

The Howell Heflin Award was given to the Leadership Institute in Judicial Education as the State Justice Institute funded project that had the greatest impact on the quality of justice in state courts. Only one award is given per year. It was presented to Dr. Patricia H. Murrell at the United States Supreme Court on November 15, 1999 in the presence of approximately 300 persons including Chief Justice William Rehnquist, Attorney General Janet Reno, Supreme Court Justices Ruth Bader Ginsburg and Sandra Day O'Connor, numerous chief justices of state supreme courts and other dignitaries from the state courts.

The Warren Burger Award 2000 was also awarded to Dr. Patricia H. Murrell, Director, Leadership Institute in Judicial Education for her significant contribution to the field of court administration through her leadership in the field of judicial learning and teaching. This award was presented at the annual luncheon meeting of the National Association for Court Management in Atlanta, Georgia, in August, 2000, with approximately 400 people in attendance.

Dr. Murrell received the American Law Institute-American Bar Association's 2001 Harrison Tweed Award for Special Merit at the American Bar Association annual meeting in Chicago in August. This award is in recognition of her contribution to continuing legal education for the judiciary. She was also invited to participate in the *Fordham Urban Law Journal's* 2002 symposium on "Problem-Solving Courts: From Adversarial Litigation to Innovative Jurisprudence." Her paper, co-authored with Philip Gould, has been published in the *Fordham Urban Law Journal*. Kathy Story and Dr. Murrell presented a paper at the International Conference on Psychology and the Law in Edinburgh, Scotland, in July 2003. The paper was entitled, "The Role of Continuing Legal and Judicial Education in Therapeutic Jurisprudence: Promoting Justice through Professional Development."

The Leadership Institute was also selected by the Tennessee Board of Regents for an Academic Excellence and Quality Award.

Organization

The Leadership Institute is sponsored by The University of Memphis under the direction of Dr. Patricia Murrell, Director of the Center for the Study of Higher Education and Professor of Higher and Adult Education. It is funded by the State Justice Institute in Alexandria, Virginia. Kathryn Story, J.D., serves as the Project Associate and David Tevelin serves as the Project Manager for SJI.

An Advisory Board comprised of the Honorable Robert Davis, Justice, Kansas Supreme Court, chair; the Honorable Major Harding, Justice, Florida Supreme Court; Don Polden, Dean, The University of Santa Clara School of Law, Santa Clara, CA; Kevin Bowling, Probate Administrator, Ottawa County Probate Court, MI ; Zelda DeBoyes, past president, National Association for Court Management, the Honorable Gina Hale, Senior Administrative Law Judge and past president of the National Association of Women Judges, the Honorable William J. Hughes, Superior Court, Indiana, the Honorable Amy Davenport, Superior Court, Vermont, and the Honorable Jose Lopez, Associate Judge, District of Columbia, provides guidance and assistance for the program.

Former Advisory Board members include the Honorable Christine Durham, Chief Justice, Utah Supreme Court; Mignon Beranek, Florida judicial educator; June Cicero, Minnesota judicial educator; the Honorable David Brock, Chief Justice, New Hampshire Supreme Court; the Honorable Dan Wathen, Chief Justice, Maine Supreme Court; the Honorable Faith Ireland, Justice, Washington State Supreme Court; and the Honorable Penny White, The University of Tennessee School of Law.

Focus

The overall focus of the Institute is "education for development." As our definition states, **we view leadership as the ability to identify and develop one's resources, whether human or material. It further involves marshaling those resources in resolving a problem, realizing a vision, or achieving a goal. It starts with who we are and then moves to what we do. We regard education as the most powerful tool that the leader has.** While some attention is given to material resources, the majority of our effort centers on the human dimension. That focus demands that we address the individual and his or her growth and development as a part of the court system.

We use literature on **learning styles** as a means of exploring how we take in and process information, and the implications that has for the way we communicate with each other, the way we work together, the way we teach, and the way we acquire new skills and build our competence; literature on **adult development and life cycle** provides a way of examining our personal and professional lives; and literature on **cognitive development** serves as a lens through which to look for influences on the functioning of various professionals in the justice system. These perspectives form the basis from which programs on curriculum development, faculty

development, program management and evaluation, resource development, and the development of leadership skills stem. Team members identify and develop both human and material resources as they specify roles and plan activities.

We also emphasize the role of the **courts as “learning organizations,”** and judicial education as extending beyond the formal offering of courses to include interactions such as orienting potential jurors, charging juries, mentoring new personnel, and community education activities. The judiciary plays a powerful formative role in the lives of millions of people, and the potential for teaching and learning in the court system is tremendous.

Assumptions

Certain assumptions underlie the Institute's purpose and objectives. These assumptions are:

- *Experiential learning theory, learning styles, and adult development theory can be useful in improving teaching and learning in judicial education.
- *These theoretical perspectives also have implications for the abilities needed by individuals in the process of judging.
- *This material, then, provides both process and product for this workshop. It helps educators design learning activities, plan curriculum, and determine the desired outcomes of judicial education.
- *The desired outcome of judicial education is outstanding, highly developed people, including judicial educators, judges and other court personnel.
- *The final outcome, however, is for each of us to lead more productive lives. We believe that this material leads us to a greater understanding of ourselves and each other, and that enables us to behave in more complex ways.
- *Learning is the process by which development occurs. So we begin our Institute by talking about how people learn, how judicial educators can enhance the learning process, and how "learning about learning" can contribute to our development.

Objectives

The purpose of the Institute is to create more unified and informed systems of judicial education by providing participants with knowledge of how adults learn and develop and the implications that has for judicial education, for the operation of the court system, and for the practice of judging. With this knowledge, teams of leaders from individual states or organizations work together to develop more comprehensive approaches to judicial education. It is the aim of the Institute to encourage new, creative and informed ways of thinking about educating adults that will assist the teams in developing action plans specific to the needs and realities of their state judicial system or their organization's mission. The ultimate vision is a more equitable system of justice.

Within this purpose, the specific objectives for participants are as follows:

- *An understanding of the relationship between learning and human development. Participants will have the opportunity to reflect on their own lives and the learnings that were necessary for specific developmental tasks.

- *A knowledge of experiential learning as a basis for a model of teaching. Participants will have the opportunity to design learning activities that incorporate all of the modes of learning.
- *An awareness of diversity in learners. Attention will be paid to different learning styles as well as gender and ethnic differences.
- *A discernment regarding a variety of models of individual human development.
- *A perception of the characteristics of a highly developed individual.
- *A comprehension of the need for highly developed people in judicial education, in the judiciary, and in society. Participants will discuss the behaviors that might exhibit high levels of ethical behavior.
- *Appreciation of the role of learning and development in leadership.

This understanding is evidenced in the action plans that are developed at the Institute to be carried out in the individual states or organizations during the coming year. It should result in judicial education activities that promote more complex thinking and behavior.

Program

The Selection Committee of the Advisory Committee makes the final selection of six teams for inclusion. It is expected that these individuals will hold at least one meeting prior to the major conference. They will also be given material to read in preparation. The centerpiece of the Institute is an intense six-day conference held in Memphis in the spring. The program follows the experiential learning model, utilizing theoretical presentations, experiential learning opportunities, and team reflection and application. This structured effort gives the team members an opportunity to work together and to forge a bond that will hold them together when they return to their jobs. Each team leaves with an action plan that details how the new learnings are to be implemented in its state or organization.

Each team is to organize and conduct an On-Site Leadership Institute in its state or organization in the summer or fall. The purpose of this follow-up assistance on-site is to reinforce the learning that occurred at the conference, and to "expand the circle" to include additional individuals who play a leadership role in judicial education. The participants in this On-Site Institute may be chosen by the team. It may include judges who are faculty in judicial education, judicial education committee members, other court personnel, or other individuals such as members of the bar, continuing legal education providers, or law school faculty. This workshop is conducted by the Institute Director and addresses the central theoretical themes of the Institute.

Members of the team that attended the Institute will be invited to attend an Advanced Institute a year after their participation in the initial Leadership Institute. This Advanced Institute provides teams with the opportunity to report on their organization's or state's progress in implementing its action plan, including its experience with the On-Site Leadership Institute, to learn from other teams' experiences with change strategies, and to receive further education in applying the principles of learning and development in leadership roles. Dr. Robert Kegan, Professor of Adult Development at the Harvard University Graduate School of Education has been a guest lecturer at the Advanced Institute for the past five years. His recent book, *How the Way We Talk Can Change the Way We Work*, has brought a fresh approach to our work.

This commitment to a year-long effort is consistent with theory on institutional change. The team approach ensures that individuals will not be working in isolation when they return to their states or organizations. They have also become part of a national network of individuals who participate in this “movement” approach to judicial branch education.

Experiential Learning and Use of Literature

The Leadership Institute, in an effort to “practice what it preaches,” uses the Experiential Learning Model as the basis for the agenda. Two activities specifically illustrate this: the Civil Rights Museum and the use of the play and movie, “A Doll’s House.”

The play, “A Doll’s House,” is offered to the participants for advanced reading; however, many participants have not had time to read it when they arrive. The movie is shown, both to accommodate those who have not read the play, but also to provide the information in a different medium. The story is then used for two purposes: to view the characters through the lens of the three theoretical perspectives that we have studied, and to examine specific issues of interest to the participants. This brings to life the theoretical material and makes the issues around ages, stages and styles much more real to the participants. At the same time, it is sufficiently “objective” to enable the participants to analyze and critique behaviors and attitudes and make application of the theory.

The National Civil Rights Museum provides a more “concrete” experience. It is located at the Lorraine Motel, the site of the assassination of Dr. Martin Luther King, Jr. in Memphis. It is an experiential museum, with many opportunities for participating in, as nearly as possible, some of the major events of the civil rights movement. For example, there is a real bus representing the bus in Montgomery, Alabama, in which Rosa Parks refused to move from a seat at the front to a seat in the rear. When a participant sits down at the front of the bus, a recording of the driver’s voice demanding that that person move to the rear is heard, complete with the striking of the nightstick. The experience is so real that it is chilling. The exhibits are supported by photographs and text that describe the experience of blacks and whites, and concludes with a view of the actual room and the balcony the way they were the night of Dr. King’s death. The mood is appropriately set by the singing of “Precious Lord” by Mahalia Jackson.

The Civil Rights Museum tour is followed by an opportunity to process or make meaning of the experience using the Experiential Learning Model. The group assembles in the room with no tables in front of the chairs. The facilitator opens the session by displaying the four modes of the model: concrete experience, reflective observation, abstract conceptualization, and active experimentation. The discussion questions are representative of those four modes: What did you do? What is your reaction? What did you learn, and What will you do differently? The exercise demonstrates the power of the museum experience and the Experiential Learning Model.

Evaluation

Evaluations have been conducted on each year of the program with positive and encouraging results. Catherine Pierce, Hunter Boylan, Ingo Keilitz, Krista Johns, Judge John Hall, Judge

Robert Davis, Judge Ernest Borunda, Judge June Cicero, Judge Leslie Johnson, Dr. Elaine Hollensbe, and Dr. Brenda Younger have served as evaluators.

A few of the evaluation comments are:

“The strength of the Institute was the understanding and then application of learning styles and human development theory to the teaching process. It opened an entirely new perspective to teaching which has enriched my own teaching methods and, consequently, the understanding and development of the judges. It teaches more about oneself than any other experience I have had. And by understanding oneself, or at least starting down the road to understanding, one can more effectively deal with the judicial decision-making process as well as become a better teacher and facilitator to assist other judges on their own developmental process.” *Judge*

“Today I am grateful and challenged by the power of the Institute. I am also thankful for those who shared these truths with me -- Chuck Claxton, Christine Durham and Pat Murrell. The Institute impacted me more personally than any training, workshop, seminar or conference I have ever attended. My understanding and appreciation of how I receive and process information has been and continues to be magnified. I also have a greater appreciation for expanded thinking when sharing ideas or concepts with others. I am challenged to think in more complex ways and to listen to life’s voices with an un-rebutting mind. Institute principles have no expiration date. They are not date-stamped. They have no limited shelf life. Much of what we present in traditional judicial education is date-stamped—truth for the moment. The development of law and judicial education are time-sensitive and reflect, to a large degree, the emergence and evolution of our society. Institute principles, on the other hand, are self-authenticating. They apply across time regardless of our stage in life. We need both. The dynamic that develops at the Institute among team members best illustrates what is needed in today’s courts—true teamwork among judicial co-workers. What is also enlightening is the bonding between attendees that transcends state and jurisdictional boundaries. This type of networking goes a long way to offset the isolation often felt by judges and others.” *Court Administrator*

“I am running for the Supreme Court again for the second time. Leadership Institute principles have helped me to maintain my sanity and humor. It can be a life-transforming experience for some participants. For others it may not be transforming, but can still have impact. I have now completed nearly ten years of involvement with the Leadership Institute at various levels including serving on the advisory committee. This participation and seeing the transformation of Washington’s program have been one of the most fulfilling projects of my career.” *Judge*

“It took more than a “few minutes” to complete this thing—long trip down memory lane! It was a long time ago, but I was able to integrate the principles easily, and now seven years later I still recall and use those principles. Sounds sappy, but it really was a turning point on the path of my development. Thanks. How about an all-alumni reunion?” *Judicial Educator*

“I personally believe that the seed of our successful existence was sown at the 1991 Leadership Institute.” *Judicial Educator*

“Noticeable impact. All subsequent programs have used Leadership Institute principles, not to mention the fact that our overall judicial education program had its genesis at the Leadership Institute.” *Judge*

“Is there any way to expand the program to a full semester?” *Judge*

“An outstanding educational program—best there is.” *Judge*

“It is a wonderful program. One of the best that I have participated in since becoming a judge.” *Judge*

“I consider issues now with regard to adult and cognitive development. It is nearly always beneficial to force people to stretch their thinking beyond that with which they are already comfortable.” *Judge*

“It provided clear and comprehensible educational concepts that can be readily put to use. It brings to light many hidden, yet simple, concepts for teaching and learning.” *Judicial Educator*

“The National Judicial College has conducted several Faculty Development Workshops and the principles of the Leadership Institute are shared with the participants and encouraged. It introduces a vast area of professional study in adult development. It is necessary information for every human being.” *Judicial Educator*

Faculty

Institute faculty are chosen from judges and judicial educators who have participated with their state teams, as well as prominent educators in the field of adult development. Team members are encouraged to be involved as faculty members in their On-Site Institutes. We view this practice as an extension of the Institute’s generativity and as an opportunity for participants to further develop their understanding of Education for Development. A partial listing of those individuals who have served as faculty is included.

Publications by Institute Faculty or Participants

Leadership Institute faculty and participants have made significant contributions to the literature in the field of continuing professional education:

Murrell, P. (2003) Readiness for justice in courts: The role of judicial education, Part 1. NASJE Newsletter. <http://nasje.unm.edu/archives/fall03/resources-readiness-justice.htm>.

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Murrell, P. (2004) Readiness for justice in courts: The role of judicial education, Part 3. NASJE Newsletter. <http://nasje.unm.edu/archives/spring04/resources.htm>.

Broekhoven, P., Murrell, P. & Liiv, D. (2004). Feasibility study concerning the future of judicial branch education in Macedonia. The Macedonia Court Modernization Project. United States Agency for International Development.

Murrell, P. (2003) Continuing judicial education: Cognitive development as content, process and outcome, *Journal of Adult Development*, (11), 2, 151-161.

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Lubiani, N. & Murrell, P. (2001). Courting justice with the heart: The role of emotional intelligence in the courtroom. *The Court Review*, (38), 1, 10-16.

Durham, C. (2000). Appellate advocacy as adult education. *The Journal of Appellate Practice and Process*, Winter 2000, 2(1).

Murrell, P. & Murrell, S. (2000). Experiential learning: Implications for drug court management and leadership. *The Court Manager*, Spring 2000, 14(3).

Murrell, P. (2000). Experiential learning and learning styles: A model for continuing legal education. *The CLE Journal*, Spring 2000, 2(2).

Murrell, P. (1999). Dear judge. *The National Judicial College Alumni Magazine*. November, 1999, 14(2).

Murrell, P. & Carpenter, W. (1998). Values and ethics: Using literature and human development in judicial education. *The Judges Journal*, Spring 1999, 38(2).

Mentkowski, M., Loacker, G., & O'Brien, K. (1998). *Ability-based learning and judicial education: An approach to ongoing professional development*. The Judicial Education Reference, Information and Technical Transfer Project, 560 Baker Hall, East Lansing, MI 48824-1118.

Murrell, P. (1996). Ages, stages and styles: Implications for judge educators. In Krista R. Johns (Ed.), *On Faculty Excellence in Judicial Education* (pp. 125-143). Reno, NV: National Council of Juvenile and Family Court Judges.

Hale, G. (1996). Professionalism: A call to excellence. *Journal of the National Association of Administrative Law Judges*, XV.

Biderman, P. (1996). Of vulcans and values: Judicial decision-making and implications for judicial education. *Juvenile and Family Court Journal*..

Murrell, P. (1995). Going home: Courageous conversation, difficult dialogue. *The Journal of Continuing Higher Education*.

Claxton, C., & Ochsman, E., (1995). *Education for development: The Voices of practitioners in the judiciary*. The Judicial Education Reference, Information and Technical Transfer Project, 560 Baker Hall, East Lansing, MI 48824-1118.

Bulloch, P. (1994). Education for development. *The Court Manager*.

Claxton, C. & Murrell, P., (1992). *Education for development: Principles and practices in judicial education*. The Judicial Education Reference, Information and Technical Transfer Project, 560 Baker Hall, East Lansing, MI 48824-1118.

Claxton, C. (1992). Characteristics of effective judicial education programs. *Judicature*.

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