

THE LEADERSHIP INSTITUTE IN JUDICIAL EDUCATION

THEORETICAL UNDERPINNINGS

The Leadership Institute is committed to a curriculum and to learning activities that are solidly grounded educationally. Three theoretical bases are joined with the teachings of the profession to provide the necessary guidance for this planning. These three streams of research also support the mission and purpose of the Institute and help to define its outcomes.

Experiential Learning

The beginning point for the Institute is the experiences and expectations the participants bring. Statements are written as a part of the selection process indicating their goals and expected outcomes of the program. We believe that it is essential that judges and other court personnel learn to make decisions on the basis of analyzing and trusting their own experience. Realizing the power and richness of these experiences, we seek ways to utilize them to trigger meaningful conversation and learning during the journey of renewal that we believe occurs at the Institute.

Most professionals have little time in their busy work schedules to engage in reflection and introspection regarding what they do. Yet such reflection is essential to maintain vitality as well as to learn from experience. In the Institute, activities may provide opportunities for learners to see their work from different perspectives, both by utilizing other people in the group, and by viewing the experience through the lens of new theory or information. Teams collaborate on projects and participants act as consultants to each other, enabling them to gain new insight. These actions help to promote a sense of community and a shared responsibility for learning and development. They also reinforce and affirm the idea that knowledge is socially constructed, that it is in the reconciling of differences that we hammer out new meanings and shared values.

In addressing these and other challenges, we encourage not only the production of knowledge, but the integration, application, and transformation of knowledge in practice. We seek to reinforce the internal yearning that each of us has toward wholeness, growth, connectedness, and community. We believe that this community is necessary for the development of the kind of leadership that is needed in our society.

We seek to provide a continuing professional educational experience that is intellectually and personally stimulating from both a scholarly perspective as well as from a practitioner's perspective--in fact, to promote reflective practice. We want to provide a time for self assessment and peer affirmation as a way to overcome the tunnel vision that often results from feelings of isolation and alienation.

We are interested in providing new information and experiences that enable the participants to make meaning of their past experience and present situation. We believe that there is a subtle difference between this approach and its opposite--asking learners to make meaning of the new information and experiences utilizing their experience. The

Institute is not designed to provide answers for problems and questions, but to give participants new tools of inquiry, new experiences in community; renewal; new information to shed light on their lives and work; and new lenses through which to view their vocation.

Participants take a **Learning Style Inventory** that enables them to explore their learning preferences and how those preferences impact on their leadership and management styles, their communication and interaction patterns, their learning and teaching orientation. By recognizing their own individual patterns and acknowledging that their colleagues have similar differences, they may gain insight into such things as how their court works, dynamics within the judiciary, why some people respond favorably and others do not, and why some groups work and others don't.

Experiential learning theory also provides a guide for the design of learning activities during the Institute meetings. In all sessions, whether group work, team meetings, lectures or field experiences, attention will be paid to the concrete and the affective dimensions. This may take the form of a visit to a museum, or it may take the form of quiet preparation and attending to one's attitude before beginning a session. Reflection is encouraged, not only in solitude, but in sharing perceptions and reactions. We are cognizant of the fact that if perceptions are wrong, learning will be truncated and action will often be misguided. Participants are encouraged to search for principles and for generalizations that can guide their actions and their practice.

The outcome of the Institute experience that we hope for is increased complexity: increased *affective* complexity as participants experience their work and lives with fresh sentiments; increased *perceptual* complexity as they develop greater capacity for perspective-taking and empathy with other practitioners in their roles; and increased *theoretical* complexity as they master higher-order concepts and the dynamic interrelationship of ideas from several fields of inquiry and practice. Finally, in applying new learnings during the Institute and on the job, we hope for an increase in *behavioral* complexity, the ability to mitigate internal strife, personnel problems, and apathy in their courts, and to practice the vocation to which they were called.

Adult Development

A second theoretical set that guides the Institute is the age-related developmental experiences that serve as powerful motivators for the participants. Issues of *identity*, *intimacy* and *generativity* are recognized and acknowledged as incredibly strong driving forces in their lives. While most of the court personnel, especially judges, participating are not new to the role, and the initial *identity* issues around vocation may have been addressed, we are cognizant that those issues are never resolved once and for all, and that with each life crisis, each change of location, and each new career advancement or set-back the question, "Who am I?" must be addressed anew. We are also aware of the role that vocation plays in identity, and the extent to which we are what we do. At the same time we acknowledge that what we do is not all that we are, and that a balance between the personal and professional, between family and work is essential for congruence, authenticity and integration in one's life.

Intimacy is defined by Jim Fowler as the "...the capacity to commit oneself in relationship or partnership, and to develop the ethical strength to abide by such commitment even though there are significant sacrifices and compromise." Personal and family relationships present an obvious forum in which this plays out; however, the nature of the intercourse between judges, attorneys, other court personnel, and litigants also demands this capacity, and without it the danger of exploitation and manipulation in the court system are extraordinary. It is said that more people lose their jobs because they cannot get along with their co-workers than lose their jobs because they can't perform the required tasks.

Finally, the Institute recognizes and promotes *generativity*, the readiness to care for that which has been created, whether it be people, ideas, or institutions. Nurturing new judges and other court personnel as they struggle with their identity, looking at emerging ideas and challenges with courage, and creatively leading the judiciary into a new role in a post-modern society are activities that generative judges embrace with enthusiasm. Providing a climate in which that generativity can find expression and support is essential if the courts are to remain a vital formative institution in our world.

Utilizing this material to assist in the interpretation of life experiences, avoiding the natural temptations to posture or position themselves by prestige, rank, reputation or other old paradigm measures, enables judges to earn the trust, confidence and intimacy of their colleagues. It also helps judges see themselves as growing and dynamic, never "finished," but capable of continuing to change and adapt over the life span. Finally, it gives the faculty an invaluable tool in planning activities, in interacting with the participants, and in promoting an appreciation for the diversity in the judiciary.

The importance of events in the life cycle is acknowledged at the outset of the first conference as a **milestone exercise** is completed by each participant. This exercise asks for a recall of the major turning points in the individual's adult life, beginning at 17 and ending at the present. Each milestone represents an event that moved the person into a new status. There are no "right" ways to develop the life line, and it gives the participants the opportunity to look back at the things that they have done, the concrete experiences of their lives. As a reflective activity they are asked to describe what it was that made that a segment or a definable period, and to identify song titles, movies or books that might be descriptive of that segment. They are then asked to think of what tasks they had to perform or what competencies they had to develop in order to move out of that segment into the next one. This might be an *instrumental* task such as learning a particular skill or earning a credential, or it might be a *developmental* task such as becoming sufficiently independent or autonomous to make a decision.

Small groups are formed, with the first task being the continuation of the reflection by having each person review his or her milestones and share whatever he or she wishes to share with the group. They are asked to look for commonalities and differences, particularly based on gender, race, ethnicity or culture.

The large group then reconvenes for a look at the theory and research that has been developed around life cycle, such as the Erikson material mentioned earlier. This material is particularly pertinent as new information is being generated from census data about different cohorts in our rapidly changing society.

Finally, each person is to examine the implications that this material has for his or her own life and work in the court system. How can this influence practice? What are the implications for action plans that are developed by the state teams? What are the implications for judicial branch education? How can we use the content and the process of judicial education to assist in the accomplishment or resolution of each of the three recurring themes?

Cognitive Development

The Institute is mindful of the level of cognitive functioning of the individuals involved. While it is doubtful that participants would be selected if they were operating at a simplistic or *dualistic* level, the introduction of new material and a new setting can produce anxiety that causes one to revert to a self-protective stance. Thus, programs are planned with a careful blend of challenge and support to enable learners to find a zone in which they can operate comfortably. We know that many of the participants will, in fact, be *relativistic*, contextual thinkers, having made significant commitments and life choices. They are capable of dealing with paradox and ambiguity, and accustomed to making decisions in the absence of complete information.

We believe that judicial branch education can assist individuals in moving from simplistic thinking to the more complex thinking that is necessary to address the complex problems in our society that reach the courts. Both the content of the material and the teaching processes used can serve to challenge the learners to more sophisticated and higher levels of cognitive development.

We see the Institute as an opportunity for revisiting commitments in light of life experiences and new information. Participants are challenged with new material, often from disciplines quite separate from law, designed to create a degree of disequilibrium. They are also participating in their team where they are encouraged to use the new information to think about a system of judicial education for their state. As the Institute progresses, the emphasis shifts from a presenter-focused information exchange to a more learner-focused action planning and visioning process. Each state team is expected to share its action plan with the full group.

Emotional Intelligence

Emotional intelligence has been identified as playing a major role in the success of leaders in virtually all professions. For too long we have assumed that if individuals had knowledge and technical skills they could perform. We are beginning to appreciate the fact that across a wide array of jobs emotional competence contributes more to excellent performance than does cognitive ability. The development of self-awareness, self-regulation, motivation, empathy and social skills are all components of affective complexity that can be increased across the life span. The material on learning, on the life

cycle, and on cognitive development all offer avenues for increasing the emotional intelligence of judges and other court personnel, thus making the judiciary a more humane environment.

The Institute is also mindful of the power of the hidden curriculum. We take seriously Parker Palmer's admonition to welcome learners into the Institute with the same hospitality that we would welcome guests into our homes. We try to create an openness, a space, so that participants can share and try out new thoughts and ideas with appropriate support and feedback. We are conscious of the need for a balance of physical activity, intellectual excitement, quiet time, and social interaction. We realize the importance of the learning that occurs during meals, walks, and during the social intercourse that is part of the living-learning environment. While it is not always feasible, we try to have faculty members present for the entire time rather than "parachuting" speakers in and out. Through their continuing conversation with participants, they come to be seen more as co-learners and as authentic, concerned leaders rather than experts.

These theoretical perspectives, then, provide both process and product for the Institute. They guide us in what we do in our planning of learning activities and in the development of the curriculum. They also help us in identifying outcomes:

- the ability to think in more complex ways;
- to be more intellectually and emotionally competent;
- to accept responsibility for ourselves and deal with the consequences of our behavior;
- to believe in the understanding of our own experience as a guide for our actions and practice;
- to be consistently and tenaciously authentic; and
- to commit to goals that transcend our own immediate needs.

These perspectives advance us toward wholeness and balance in our personal and professional lives. A sophisticated understanding of their convergence and intertwining moves us toward the capacity for relatedness that Parker Palmer says is necessary for community. This knowledge also contributes to an understanding of how courts can become *learning organizations*.

The Institute extends over a year-long period, with an On-Site Follow-Up Institute conducted by an Institute faculty member in each of the states or organizations participating. Finally, an Advanced Institute is held to bring the participants back together to review the progress that the teams have made and to pursue further the ideas presented at the initial conference.

In both conferences, relationships and community are encouraged through both the curriculum and the extra-curriculum. Social activities are planned either for the full group or for small groups that take advantage of the local culture and environment. An atmosphere of openness and support is encouraged, whether in small group, plenary sessions, or in conversations.

The ultimate goal of the Institute is more highly developed members of the judiciary and an improved system of justice for the people of the individual states.

In our work with the Leadership Institute over this decade, we have seen not only a more sophisticated level of understanding of what we call education for development, but a greater appreciation for the connections between educational programs and outcomes and emerging trends in the work of the courts. The developmental orientation resonates with philosophical orientations such as therapeutic jurisprudence and a problem-solving approach to dispute resolution. The shift from conflict to compromise, from contention to collaboration, not only in the courts but in the practice of the legal profession, is consonant with the Institute's emphasis on leadership and education that stresses *being* in addition to *doing*.

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Patricia H. Murrell
The Leadership Institute in Judicial Education
Center for the Study of Higher Education
The University of Memphis
Memphis, TN 38152
901 678 2775
pmurrell@memphis.edu