NASJE CURRICULUM DESIGN

THE BASICS OF GOVERNANCE IN JUDICIAL BRANCH EDUCATION

GOVERNANCE: Entry Level Content

NASJE
NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS

The Basics of Governance in Judicial Branch Education

This is a summary of the content in this curriculum design.

A. Governance
    a. Definition
    b. Organizational, institutional, or administrative governance
    c. Stakeholder-based governance
B. Dynamics of Blended Governance in Judicial Branch Education
    a. Dynamics of administrative governance
    b. Dynamics of stakeholder-based governance
    c. Dynamics of interaction between and among groups concerned with judicial branch education
C. Developing or Enhancing Stakeholder-Based Governance
    a. Defining roles and responsibilities
    b. Defining stakeholder group membership
    c. Defining stakeholder leadership
    d. Considering an executive committee
    e. Planning and conducting meetings

NASJE Curriculum Designs
The Numbering System

NASJE Curriculum Designs follow a consistent numbering system to facilitate identifying information and navigating within and among various curriculum designs.

The first number refers to the NASJE Core Competency.

For example:
1 indicates the NASJE competency addressed in this curriculum design is governance (roles, responsibilities, structures, and functions of boards, and advisory and planning committees)

The second number refers to entry- or experienced-level content. (Entry indicates that the content is new to the target audience; it is not a reference to the experience level of the participants. Experienced level indicates learners already have some familiarity with the content.)

For example:
1.**1** is the entry-level governance curriculum design
1.**2** is the experienced level

The third number refers to the section of the design.

For example:
1.1.**1** is the content section for entry-level governance
1.1.**2** is the faculty resources section
1.1.**3** is the participant activities section
1.1.**4** is the bibliography and selected readings

The final number refers to the order of items in a section.

For example:
1.1.1.**1** is the first content (the overview) in entry-level governance
1.1.2.**7** is the seventh faculty resource
1.1.3.**3** is the third participant activity

The Basics of Governance in Judicial Branch Education
Table of Contents

Use of NASJE Curriculum Designs	3
Adult Education Principles	4
1.1.1.0 Competency Area 1 Governance: Roles, Responsibilities, Structures, and Functions of Boards and Advisory and Planning Committees: Entry-Level Content	5
• 1.1.1.1 Curriculum Design Overview	6
• 1.1.1.2 Special Notes for Faculty	7
• 1.1.1.3 Participant Learning Objectives	8
• 1.1.1.4 Educational Content	9
• 1.1.1.5 Resources for Faculty	28
• 1.1.1.6 Related Educational Areas	28
• 1.1.1.7 Learning Objective, Resource, and Activity Chart	29
1.1.2.0 Faculty Resources	31
• 1.1.2.1 One Model of Judicial Branch Education Governance	33
• 1.1.2.2 Sources of Governance for Judicial Branch Education	35
• 1.1.2.3 Judicial Branch Educator Roles	38
• 1.1.2.4 Blended Governance and Judicial Branch Educators	40
• 1.1.2.5 The Balancing Act – 1, 2, and 3	42
• 1.1.2.6 Generalized Relationships With Stakeholder-Based Governance	46
• 1.1.2.7 Meetings, Meetings, Meetings	48
• 1.1.2.8 An Effective Agenda	51
1.1.3.0 Participant Activities	53
• 1.1.3.1 Examining Administrative Governance [Learning Objective 1]	55
• 1.1.3.2 Examining Stakeholder-Based Governance [Learning Objective 2]	57
• 1.1.3.3 Comparing Roles and Responsibilities in Stakeholder-Based Governance [Learning Objective 3]	59
• 1.1.3.4 Examining Roles and Responsibilities of Judicial Branch	61

Educators [Learning Objective 4]	
• 1.1.3.5 Examining Decisions for Necessary Strategies and Skills [Learning Objective 5]	65
• 1.1.3.6 Examining Necessary Components of Stakeholder-Based Governance [Learning Objective 6]	67
• 1.1.3.7 Describing the Local Judicial Branch Education Governance Environment [Learning Objective 7]	69
1.1.4.0 Bibliography and Recommended Readings	73

Use of NASJE Curriculum Designs

Taken together, the curriculum designs in this series provide an overarching plan for the education of judicial branch educators; this overarching plan constitutes a curriculum. Individually, each curriculum design and associated information provide faculty with resources and guidance for developing courses for judicial branch educators. Content from the curriculum will be used alongside other content as determined by the NASJE Education Committee.

The designs are based on the NASJE Core Competencies. Two curriculum designs are provided for most competency areas, one for entry-level content and the other for experienced-level content. Content level relates to the participants' familiarity with the subject area and not their tenure in judicial branch education.

Each of the curriculum designs, based on the competency areas, may be used either in its entirety or in segments to meet the needs of the individual circumstance or situation, the particular audience, time constraints, etc.

Each curriculum design includes a series of learning objectives and an outline of content to support those learning objectives. Content is annotated with the bracketed number of the learning objective it supports. Learning objectives for each curriculum design are listed in order of importance or in a logical progression. Faculty is encouraged to select content based on the order of the learning objectives. Content is provided in an abbreviated outline format. Faculty may expand on the content based on the needs of the learners.

Associated information for each curriculum design includes: (a) resources for faculty's use (as reference and/or as participant handouts), and (b) a series of recommended participant activities to measure achievement of objectives. Each resource and participant activity has a cover sheet explaining its use. Faculty notes near the beginning of each curriculum design provide important information to assist faculty in effectively preparing to design and deliver a course.

Developing any course from a curriculum design will require that faculty (a) utilize an instructional design model (in the appendix), (b) employ adult education principles (next page), and (c) have an in-depth knowledge of the content beyond what is included in the design. A bibliography accompanies each curriculum design and contains additional sources of information. Because there are many sources for each content area that are not in the bibliography, faculty is encouraged to fully explore a variety of available sources when designing a course from a curriculum design.

The NASJE Curriculum Committee welcomes feedback, updates, corrections, and enhancements to these designs so they will remain current and viable.

Adult Education Principles

As learners mature, they change in terms of:

1. **Self-concept**: *They evolve from being dependent to self-directed.*
2. **Experience**: *They accumulate a growing reservoir of experience that becomes an increasing resource for learning*.
3. **Readiness to learn:** *Their readiness to learn becomes oriented increasingly to the developmental tasks of their various roles.*
4. **Orientation to learning:** *Their time perspective changes from one of postponed application of knowledge to immediacy of application, and accordingly their orientation toward learning shifts from subject-centered to problem-centered.*
5. **Motivation to learn:** *Their motivation to learn is internal rather than externally generated.* (Knowles, 1984).

Effective learning for adults is dependent on faculty:

1. **Engaging learners actively in their learning:**
   Adult learners generally prefer to participate, test new learning, and engage in discussion about the relevant content. Faculty needs to actively engage them at least 50% of the time through questions, activities, etc. and enable learners to discover how their new learning will serve them.
2. **Creating and maintaining an effective, safe learning environment:**
   Adult learners will participate readily in an educational situation if the environment is physically and psychologically suitable. Physically suitable includes comfortable, well-lighted, and easily accessible space; psychologically suitable includes feeling welcome to offer opinions and differing views and to ask questions. Faculty needs to alter the physical environment to meet the needs of learners and to state and demonstrate that the learning situation is open and non-threatening.
3. **Demonstrating respect for differences:**
   Adult learners are independent and self-reliant; they are of varied races, ethnicities, religions, backgrounds, experiences, and education. In an educational situation, they need to be respected for their differences, even if their experience and knowledge is different from faculty. Faculty needs to state and demonstrate their willingness to engage different views.
4. **Providing learners with information on what to expect:**
   Adult learners prefer to understand what will happen in their learning and what will be expected of them in the learning environment. Faculty needs to provide an agenda, an overview, learning objectives, etc.
5. **Basing content on immediately applicable information and skills:**
   Adult learners generally prefer to engage in learning that will help them in their daily lives and work. Faculty needs to ensure that theoretical information serves only as a background for practical application of new knowledge and skills.

Instructional Design: The Backbone of Effective Education and Developing Faculty. NASJE curriculum designs include additional information on adult education theory and practical application.

The Basics of Governance in Judicial Branch Education:

NOTES:

Part of the materials for NASJE curriculum designs is a glossary, which will be the basis for developing a shared or common professional language for judicial branch educators. The first time a word found in the NASJE Glossary is used in a curriculum design, it is identified with a word border. Subsequent uses of the word do not have a border. In the online format, the definition will pop up when you roll your cursor over the text inside the border. In the hard copy format, you can find the definition in the glossary at the end of the curriculum. Faculty members using the NASJE curriculum designs are encouraged to familiarize themselves with the definitions relevant to the content area by reviewing the glossary terminology.

Words or terms underlined and in blue indicate a link to parts of the curriculum design. In the electronic format, click on the text to view the identified item. In hard copy format, refer to the page number that follows the text.

Related to NASJE Competency:

Governance: Roles, Responsibilities, Structures, and Functions of Boards and Advisory and Planning Committees (available on the NASJE website)
Competency Summary: Understanding, developing, and implementing an effective governance system is crucial to provide the necessary infrastructure to support judicial branch education. Effective relationships and complementary roles among boards and committees provide a system that ranges from policy making to course delivery.

Target Audience: Judicial branch educators new to the field

Content Level: __X___ Entry _____ Experienced

(This is not a reference to the general experience of the learner, but the experience the learner has with the specific content. For example, a learner with 20 years of experience in judicial branch education may be at the entry content level for a topic if he or she has not had an opportunity to work with the content or become proficient with it.)

Date Approved: June 18, 2013 Last Updated:

1.1.1.0 Curriculum Design

1.1.1.1 Curriculum Design Overview:

(This section provides an overview and states the purpose for this educational area. It does not include all the detail shown in the outline, but is intended to provide a synopsis of the content.)

Judicial branch education products and services are often the result of a blended governance model. This model combines administrative governance from the overarching administrative organization with some form of volunteer stakeholder-based governance from groups of learners and other stakeholders. While these two types of governance are distinctly different, they blend in unique ways with the judicial branch education department for successful development and delivery of education for the judicial branch.

Administrative governance entities have responsibilities that are broader than judicial branch education. For example, a supreme court, an administrative office of the courts, a university, or an association each oversees a variety of functions and delivers a variety of services and products. Any of these entities may have responsibility for judicial branch education; with that responsibility comes line control over judicial branch education personnel. In addition, they are generally the prime source of funding for educational activities, often including fiscal support of stakeholder-based governance entities.

In contrast, stakeholder-based governance entities involved with judicial branch education are focused specifically on development and delivery of educational products and services for the judicial branch. For example, a judicial branch education board or governing committee has education in the judicial branch as its prime area of focus. Judicial branch educators need to understand the values and drawbacks of these two types of often co-existing governance bodies and to have the necessary skills and abilities to simultaneously address the needs and perspectives of both.

Courses based on this curriculum design will introduce judicial branch educators to the characteristics of administrative and stakeholder-based governance, potential considerations for how they may intersect, and the balance judicial branch educators need to maintain to achieve full benefit of both. In addition, judicial branch educators will explore a variety of components necessary for an effective and robust stakeholder-based governance entity, including planning and conducting effective meetings. Judicial branch educators will also explore the types of relationships they may have with stakeholder groups and with individual stakeholders and consider some dilemmas that highlight the types of decisions they may need to make in a blended governance environment. Although governance will differ from provider to provider, judicial branch educators will benefit from exploring the many aspects of governance that affect their work.

1.1.1.2 Special Notes for Faculty:

Most judicial branch education efforts are the result of blended governance, a collaboration of administrative and stakeholder-based entities. How blended governance is structured and operates will differ from state to state. Differences in administrative governance entities are often the result of the administrative organization itself, its size, its scope, and its relationship to judicial branch education. Stakeholder-based governance entities differ in the number of groups involved in judicial branch education activities, the relationship among groups, and the level of responsibility assigned to each.

This curriculum design includes content that is broad and adaptable to meet the educational needs of judicial branch educators in a variety of governance environments. Content is deliberately generalized in order to generate discussion and to enable faculty to tailor a course for a specific group of learners. The overarching concept is that both administrative and stakeholder-based governance are necessary for a robust judicial branch education effort. Content in this curriculum design focuses on both the relationship between these two types of governance and the between governance and judicial branch educators. Faculty for courses based on this curriculum design needs to be able to introduce content areas and then engage judicial branch educators in discussions based on the variety of local environments that will be represented in any learner group.

One sensitive area in the content is the type of relationships that may develop between a judicial branch educator and stakeholders involved in governance. While judicial branch educators may develop friendships with stakeholders, they need to retain a degree of professional distance in order to effectively oversee judicial branch education and act in the best interests of all stakeholders. Faculty needs to be prepared for differences of opinion regarding the appropriateness of relationships between judicial branch educators and stakeholders. One potentially extraneous area of content is the information on meetings. If the group of learners is familiar with issues related to meetings, faculty may choose to shorten this information or provide it as a handout.

The Curriculum Committee believes that issues of diversity and fairness, ethics, and technology are viable and valuable considerations to be incorporated into courses developed from NASJE curriculum designs. After reviewing the entry-level curriculum design for governance, faculty should address these areas as appropriate for a specific course. In addition to how these issues are already incorporated into this curriculum design, additional content could include:

- Diversity and Fairness: The importance of diverse membership and representation on stakeholder-based governance groups; the relevance of

different perspectives on issues that impact judicial branch education; the need for judicial branch educators to be culturally competent
- Ethics: The need for judicial branch educators to make ethical decisions regarding choice of stakeholders and faculty; the importance of ethical behavior when dealing with stakeholders and stakeholder groups
- Technology: Use of technology to convene individuals, share data among people and groups, and bridge communication gaps

1.1.1.3 Participant Learning Objectives:

(These are statements of what participants can say and/or do to demonstrate learning when participating in a course designed from this content. Learning objectives are directly related to selection of content for this curriculum design. They are listed in order of importance or in a logical progression in both the "in general" and "for the individual situation" sections. Faculty is encouraged to use learning objectives from both areas. Included with this curriculum design are participant activity suggestions for each learning objective.)

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

In General:

1. List the benefits and drawbacks of organizational or administrative governance models, including those found in administrative offices of the courts, universities, associations, and other entities.

2. List the benefits and drawbacks of stakeholder-based governance models, including policy, advisory, program and course planning committees, as well as task forces and work groups.

3. Compare and contrast roles, functions, and relationships in various stakeholder-based governance models.

4. Discuss the roles and responsibilities of judicial branch educators in relation to organizational or administrative governance entities and stakeholder-based governance entities.

5. Describe the overarching strategies and skills necessary for judicial branch educators to effectively implement and maintain shared governance responsibilities between administrative and stakeholder groups.

6. Discuss the necessary components for establishing and maintaining effective stakeholder-based governance in judicial branch education.

For the Individual Situation:

7. Describe the current local roles and relationships among administrative and stakeholder-based governance structures and judicial branch educators and identify whether and/or which improvements or enhancements could be made.

1.1.1.4 Educational Content:

(This is an outline of content to be included in courses developed from this curriculum design. Each area of content is annotated with the bracketed number of the learning objective it supports. The information in parentheses after key headings of the outline provides faculty with the overarching question the heading is designed to address.)

A. Governance *(what is it and what are relevant types of governance in the judicial branch)*
    a. Definition – governance is a set of arrangements that bring order to a group of people and to their work through clearly defined roles for making decisions, determining and managing processes and procedures, setting standards for activities, performance, and products or services, as well as developing a means for obtaining and maintaining needed resources and funding
    b. Organizational, institutional, or administrative governance (hereafter referenced as administrative governance) **[1]** *(what are the characteristics of administrative governance)* – generally governance that is concerned with how a specific organization operates (such as an administrative office of the courts, a local court, a university, or an association); generally administrative governance has broad areas of responsibility, may have stakeholder involvement (such as a board or executive, advisory, or steering committee), but places responsibility for the specific organization on employed individuals (such as an administrator, a president, or a dean); representatives of administrative governance exercise line control in the organization; typical characteristics include:
        i. Authority – over action and over enabling others to act
        ii. Hierarchy – established levels of decision-making
        iii. Organization-centric model – internal and system based
        iv. Stability and sustainability over time – slow to change
        v. Predetermined structures – typical organizational components
    c. Stakeholder-based governance **[2]** *(what are the characteristics of stakeholder-based governance)* – generally governance that is concerned with what an organization produces and its acceptability and relevance to stakeholders or recipients; utilizes volunteers who accept certain levels of responsibility; representatives of stakeholder-based governance do not have line control over the organization's employees, but exercise strong influence or some degree of control over certain products and services; typical characteristics include:
        i. Credibility – trust and buy-in from stakeholders for action taken through collaborative efforts
        ii. Network – collective and shared decision-making

iii. Recipient-centric model – product and service based
iv. Innovative and responsive – changes with circumstances
v. Variable structures – groups evolve over time in number, membership, and responsibilities

B. Dynamics of Blended Governance in Judicial Branch Education **[1] [2] [7]** *(what are the specific relationships for judicial branch education)* [see 1.1.2.1 One Model of Judicial Branch Education Governance, pg. 33 and 1.1.2.2 Sources of Governance for Judicial Branch Education, pg. 35] [also see curriculum designs Leadership Potential and Leadership in Action]
    a. Dynamics of administrative governance – administrative entities generally predate judicial branch education activities, have broad and varied areas of responsibility, and employ established formal organizational structures
        i. Relationship to judicial branch education
            1. Judicial branch education is generally only one of many activities overseen by an administrative governance entity
            2. Judicial branch education personnel are generally employed by the administrative governance entity
            3. Resources for judicial branch education generally come from administrative governance entities, including funding, human resources services (job classification, salary, recruitment, performance management), and other administrative services
        ii. Various entities that exercise administrative governance and may oversee judicial branch education in a broad or a defined manner
            1. Supreme courts – in some circumstances a supreme court is responsible for judicial branch education; generally the clerk of the court or an administrator is charged with managing education
            2. Administrative offices of the courts – in many states the administrative office of the courts is responsible for judicial branch education; education is one of several departments or divisions of an administrative office; generally a director or manager is charged with overseeing education
            3. Universities – in some circumstances a university is responsible for judicial branch education; a single stand-alone unit or one of several schools or colleges in the university oversees education
            4. Associations – many court-related associations are responsible for judicial branch education; while a few are completely volunteer organizations, and thus do

not exercise administrative governance, many have an executive director who is responsible for overseeing education

5. Local courts – many local courts are responsible for judicial branch education in their respective jurisdictions; generally a court administrator or manager is responsible for overseeing education
6. Independent providers – some organizations, especially on the national level, have judicial branch education as part of their mission (e.g., The National Judicial College, the National Council of Juvenile and Family Court Judges, National Center for State Courts, and the Federal Judicial Center)

b. Dynamics of stakeholder-based governance for judicial branch education – in many cases, volunteer stakeholder groups began offering judicial branch education before the formation of a department and inclusion of judicial branch education personnel; in other cases, stakeholder-based governance groups are the result of a department's outreach efforts to include and involve learners and other stakeholders in the development and delivery of education
    i. Relationship to judicial branch education
        1. Judicial branch education is the focus of certain stakeholder-based governance entities in the judicial branch (typically in the form of boards, advisory committees, program or course committees etc.)
        2. These entities involve volunteers contributing time and expertise for a wide range of activities
            a. Policy-oriented activities, such as developing, recommending, or approving education standards (e.g., educational requirements for target audiences, requirements for faculty service, use of curriculum, program, and/or course development models)
            b. Task-oriented activities, such as assisting in assessing the educational needs of certain target audiences, determining course content, selecting faculty
        3. Judicial branch education personnel support stakeholder-based governance entities
            a. Supporting stakeholder-based group operation
                i. Partnering and collaborating with volunteer leaders to form stakeholder-based governance entities

ii. Providing services to stakeholder groups including staffing, clerical work, logistical arrangements for meetings, etc.

b. Supporting the products of stakeholder-based governance entities
   i. Implementing standards and/or policies adopted by stakeholder groups
   ii. Overseeing and coordinating programs, working with faculty to develop and deliver courses etc.

ii. Various levels of stakeholder-based governance entities in judicial branch education **[3]** [see 1.1.2.1 One Model of Judicial Branch Education Governance, pg. 33] – in some situations, one group of stakeholders may be responsible for multiple levels of governance; in other situations there is a hierarchy of stakeholder groups
   1. Policy level – generally a long-term group with rotating membership and wide representation; assists judicial branch education efforts through adopting educational policies or standards; may make recommendations to administrative governance entity and/or a higher level stakeholder entity that is charged with final decisions for action that significantly affect the judicial branch; often has authority to create other stakeholder groups for specific education purposes; examples of policy level groups could include Committee on Judicial Branch Education and Training, Judicial Branch Education Governing Committee, or Judicial Branch Education Policy Board
   2. Advisory level – generally a long-term group(s); may represent a significant learner population (e.g., interests and needs of judges or specific groups of judges (such as juvenile court judges), court personnel or a significant group of court personnel (such as elected court clerks), small or large courts, or a specific area that spans target audiences and topics (such as fairness); may recommendations to higher policy-level groups, develop curriculum for specific target audience, or advise planning committees on content; examples could include Court Clerk Advisory Committee, Committee on Technology, or Council on Fairness

3. Planning level – often short-term groups to plan a specific program or course
    a. Program planning – a group tasked with planning an event, such as a conference or online series; components of a program may include scope of offerings (how many courses and the content areas), delivery mechanism(s), etc.; examples of program planning groups could include New Judge Orientation Planning Committee, Judicial Conference Planning Committee, or Manager and Supervisor Certification Planning Committee
    b. Course planning – a short-term group tasked with planning a specific course or series of courses; components of a course may include decisions on learning objectives, decisions on topics and subtopics, faculty recommendations or selection, etc.; examples could include Legislative Update Course Committee, Ethics Education Course Committee, and Committee on Public Trust and Confidence Course
4. Task forces or work groups – short-term groups that may meet temporarily to perform a certain task (such as develop a partnership between judicial branch education and local universities), study and report on a specific educational need (such as electronic delivery of certain content), or other limited activity (such as study and recommend new sources of funding for education); examples could include Judicial Branch Education Partnership Committee, Task Force on Electronic Education Opportunities, Educational Funding Workgroup
5. Faculty – individuals tasked with developing and delivering content; although not strictly part of stakeholder-based governance, faculty may have an expectation of control over courses, which is generally the responsibility of stakeholder course planning committees and judicial branch educators and/or educators and faculty working in partnership

c. Dynamics of interaction among various groups concerned with judicial branch education **[4] [5]** *(how do these entities and individuals interface)*
    i. Individuals involved in administrative governance entities:

1. May see judicial branch education as a service provided by the organization
2. May see stakeholder involvement as necessary, but not a controlling factor
3. May call upon judicial branch education to intervene and offer specific courses to help solve various problems that arise in the courts

ii. Individuals, generally volunteers, involved in stakeholder-based governance entities:
1. May have a sense of proprietorship of judicial branch education, especially if some form of stakeholder groups predates formation of a judicial branch education department
2. May see the administrative governance entity as necessary for resources and support but not relevant with regard to the types of programs and courses offered, the specifics of course content, faculty selection, and other related matters

iii. Judicial branch educators
1. Fulfill a variety of roles, have a variety of responsibilities, and need a variety of skills and abilities [see 1.1.2.3 Judicial Branch Educator Roles, pg. 38]
2. Generally have allegiance to and depend on both forms of governance [see 1.1.2.4 Blended Governance and Judicial Branch Educators, pg. 40)
3. May need to balance conflicting interests between these two types of governance [see 1.1.2.5 The Balancing Act 1, pgs. 42 and 43]
4. Need to balance sound educational practice with regard to both types of governance [see 1.1.2.5 The Balancing Act 2, pgs. 42 and 44]
5. Need to employ a variety of skills and abilities [see 1.1.2.3 Judicial Branch Educator Roles, pg. 38]
    a. For both administrative and stakeholder-based governance entities, judicial branch educators need:
        i. Skill in dealing with a variety of individuals at different levels of responsibility in the administrative organization and the stakeholder-based entity
        ii. Ability to balance allegiance to two types and sources of governance

iii. Ability to listen to and respect the differing needs and perspectives of both types of governance
iv. Ability to maintain confidentiality, especially when dealing with differences in opinion between individuals in administrative and those in stakeholder-based governance
v. Ability to balance sound educational practices and needs and wants of both types of governance

b. For administrative governance entities and individuals
    i. Ability to differentiate between problems that may be resolved through education and those that represent administrative issues, problems, or shortcomings that require organizational intervention
    ii. Ability to keep personal opinions and references to individuals and groups in stakeholder-based governance entities at a professional, nonjudgmental level
        1. A strictly professional position avoids creating undue, unnecessary, or biased opinions of stakeholders in the minds of administrators
        2. A nonjudgmental position with regard to stakeholders enables judicial branch educators to maintain a respectful balance of allegiance between both types of governance
    iii. Ability to help fulfill and maintain the administrative governance entity's mission and/or strategic plan
c. For stakeholder-based governance entities and individuals, judicial branch educators need:
    i. Ability to keep personal opinions and references to individuals and groups in administrative governance entities at a professional, nonjudgmental level
        1. Because judicial branch educators work more directly with

stakeholders on a day-to-day basis, they can sometimes more readily identify with stakeholders than with administrative governance, the employer
2. Judicial branch educators need to remember that they represent their employer to stakeholders
3. Because stakeholders may have limited contact with and knowledge of the administrative organization, judicial branch educators need to exercise caution when discussing their employer and avoid presenting a negative image of individuals, groups, or the organization

ii. Ability to maintain a professional relationship with stakeholder volunteers [see 1.1.2.5 The Balancing Act 3, pgs 42 and 45]
1. Close personal relationships with stakeholders may be problematic if issues arise with the stakeholder-based entity
2. Maintaining a professional relationship helps avoid any perceptions of favoritism by other stakeholders and/or by individuals in the administrative governance entity
3. Close personal relationships may lead to expectations by stakeholders that are not appropriate or sustainable by judicial branch educators
4. Judicial branch educators need to provide professional support for stakeholders with regard to development and delivery of education, but consider consequences carefully before providing personal support for an

individual stakeholder(s) involved in governance

iii. Ability to create and/or maintain an effective and efficient system of stakeholder-based governance groups

C. Developing or Enhancing Stakeholder-Based Governance for Judicial Branch Education **[6] [7]** *(what are some considerations for effective stakeholder-based governance)* – although the form and function of stakeholder-based governance may differ from one situation to another, some basic considerations for effective organization and operation may include:
    a. Defining roles and responsibilities – clearly defining stakeholder-based governance entities ensures effectiveness and efficiency; this may be a function of the administrative governance entity or of the judicial branch education department's manager; roles and responsibilities need to address groups and individuals, including:
        i. Charter for each stakeholder group to ensure clarity of scope and relevant limitations, including:
            1. Mission or purpose statement for each group – rationale for existence of each group
            2. Scope and parameters of activity and expectations for each group, such as:
                a. Making decisions – what is the level of decision making for each group; what types of decisions should be referred to other groups or people
                b. Advising – what kinds of information is each group expected to provide; to which group or individual is the advisory information given; what is the expected mode of communication (written report, personal appearance of a representative, etc.)
                c. Recommending – what types of recommendations are anticipated from each group; which group or individual should receive the recommendation; what is the expected mode of communication
                d. Studying and/or informing – what specifically is a group expected to provide and to whom
            3. Life span for each group – to ensure understanding of the time-bound scope of the group; some life span definitions may include ongoing or long term, project based, time limited, or task limited
        ii. Relationships to judicial branch education personnel – to ensure appropriate levels of interdependency, mutual respect, and appropriate expectations [see 1.1.2.6

Generalized Relationships with Stakeholder-Based Governance, pg. 46]

1. Types of relationships – relationships may be based on the design of stakeholder-based governance structure, on individuals involved (stakeholders or individual judicial branch educators), or the organizational level of the judicial branch educator; the type of relationship between stakeholders and judicial branch educators may evolve from one type to another based on many variables; there is no right or wrong type of relationship, but in order to be effective, judicial branch educators need to understand the possibilities and if necessary strive for a desired type (for example, it might be desirable for stakeholders to see all judicial branch educators as educational experts and partners, regardless of their position)
    a. Partnership – full and open communication, joint planning, joint decision making between stakeholders and judicial branch educators; judicial branch educators are viewed as educational experts and provide substantial guidance to stakeholder-based governance entities; stakeholders are viewed as vital to the success and effectiveness of judicial branch education
    b. Cooperation – close working relationship, but one group feels it has the main responsibility and is in a leadership position; the other group is in a supportive role, providing recommendations and making decisions only in limited situations
    c. Superior/Inferior – stakeholders feel they are decision makers and the prime source of judicial branch education; judicial branch educators assist stakeholder groups, carry out directives, provide logistic and administrative services for programs and courses
2. Types of activity generally involving stakeholder groups and judicial branch education personnel; these descriptions may differ depending on the type of relationships that develop between stakeholder groups and judicial branch educators (see above)

a. Policy level – deciding on adoption and use of educational models or processes; appointing members to stakeholder groups for various purposes; deciding whether to have educational requirements
b. Advisory level – recommending how to meet the needs of particular target audiences, assessing learner group needs, developing curricula, advising on certain content areas
c. Program or course planning level
    i. Program planning – deciding on delivery mechanism, program components, single or multiple courses, registration strategies, etc.
    ii. Course planning – deciding on learning objectives, content [see Instructional Design: The Backbone of Effective Education for details], and faculty

3. Types of activity generally reserved for judicial branch education personnel
    a. Implementing educational processes and models
    b. Consulting with faculty on educational issues, such as instructional design processes and teaching skills
    c. Selecting and contracting sites for educational activities
    d. Contracting with outside faculty
    e. Using departmental resources (personnel and funding)
    f. Deciding on evaluation processes and procedures
    g. Overseeing registration, logistics, and other support functions

iii. Statement outlining relationships among stakeholder groups – to ensure efficiency, clarify lines of communication, and prevent misunderstandings
    1. If stakeholder groups are interrelated they may have:
        a. A permanent hierarchy in which one group has oversight responsibility and final decision-making authority
        b. A temporary hierarchy in which a group creates a subgroup for a specific need

c. A network in which groups are equal but interdependent with regard to certain processes and procedures
2. If stakeholder groups are not interrelated, each may act independently of others

b. Defining stakeholder-based group membership – clearly defining membership ensures adequate representation, balanced perspectives, clarity of terms and selection processes, and more
   i. Statement of desirable or required representation – to ensure inclusion of all relevant perspectives
      1. Groups that may be represented to ensure inclusion of diverse and relevant perspectives
         a. Courts
            i. Judges
            ii. Court personnel
         b. Administrative organization, if appropriate
         c. Justice partners, such as prosecutors, defense attorneys, and treatment providers
         d. Content experts, if appropriate
         e. Public, if appropriate
      2. Statement of desirable diversity – to ensure fairness and balanced perspectives
         a. Ethnic and racial diversity
         b. Geographic diversity
         c. Gender diversity
         d. Age diversity
         e. Large and small court representation
         f. Urban and rural court representation
         g. Supporters and doubters
   ii. Selection processes (application, invitation, volunteer, or appointment) terms and replacement processes – to ensure fairness and efficiency; consider staggered multi-year terms for members to assist with institutional memory and understanding of long-term projects; consider documenting policies on whether a stakeholder's term may be extended (is it possible, is it advisable, what are the relevant circumstances, how long may a term be extended) or whether stakeholders may return to a group for another term (how long between terms, how many terms may eventually be served, can a stakeholder return to a term in a leadership position)
   iii. Roles and expectations of members – to explain the scope of responsibility for each individual

   iv. Orientation processes – to ensure ongoing, consistent explanation of group purpose, roles of members, history of group, and pending decisions; consider a new member manual or series of electronic documents to provide a record of relevant information to be passed along to new members
   v. Processes for recognition (for special work, at end of term, etc.) – to avoid perceptions of favoritism and to prevent oversight of service provided

c. Defining stakeholder leadership – clearly defining leadership ensures continuity, fairness, and timely and predictable turnover
   i. Selection processes (appointment or election process, seniority, etc.) – to ensure transparency and fairness
   ii. Roles and responsibilities – to ensure understanding of expectations and limitations of leaders
   iii. Term length and replacement processes – to ensure consistency and fairness; frequent and/or haphazard turnover may create significant changes in focus
   iv. Formal succession planning process – to maintain institutional memory and contribute to follow through for long-term projects
   v. Processes for recognition (for service provided, projects completed, etc.) – to ensure fairness
d. Considering an executive committee – if the stakeholder group is large or dispersed and bringing everyone together (face-to-face or electronically) is difficult, a smaller group empowered to act on behalf of the larger group may be useful
   i. Benefits – may be more accessible on short notice; may make decisions more rapidly; may be able to reach compromise more easily
   ii. Drawbacks – difficult to ensure that all perspectives are represented in a small group; larger group may feel they are being excluded and are only to "rubber stamp" decisions
   iii. Considerations – document the scope of the small group's authority, document action, ensure full reporting to the larger stakeholder group
e. Planning and conducting meetings – stakeholder-based governance is often developed and implemented through meetings; meetings are a forum for collective action and represent overt collaboration to those in the group and to others; careful planning and management ensures effectiveness, efficiency, openness, and clarity [see 1.1.2.7 Meetings, Meetings, Meetings, pg. 48]; stakeholder leadership may have responsibility for planning and conducting meetings or the responsibility may be shared with judicial branch educators; local organizations may have guidelines

on conducting meetings; the following may be helpful in creating or enhancing local guidelines

i. Role definition – an important component of effective meetings is clarity of roles
    1. Chair – generally the chair of the specific committee; responsible for developing (or collaborating with the educator) the agenda and ensuring adherence to agenda items and time; oversees the meeting, including calling meeting to order, introducing and obtaining agreement on agenda, introducing agenda items and any presenters, seeking clarification as necessary, checking group for consensus or disagreement, participating in discussions but avoiding using position to influence the outcome, determining when to conclude discussion and/or take a vote, and adjourning meeting
    2. Judicial branch educator – may serve in many ways as agreed with committee chair and may include serving in leadership, facilitator, and/or supportive roles; generally assists the chair in conducting the meeting, facilitating discussion, reading the reactions of members, and summarizing status; often handles meeting logistics (site, seating, materials, presentation equipment, etc.); may involve others from the judicial branch education department; may make suggestions if the committee is stymied or stalled or off track; may offer ideas if credibility is established with the committee and chair; focuses on helping committee members achieve meeting goal; may employ preventative measures to minimize problems and difficulties if necessary
    3. Recorder – may be a member of the judicial branch education department or a member of the committee; responsible for documenting the meeting, and preparing and disseminating the minutes
    4. Committee members – attend regularly, offer ideas and build on ideas of others, vote as necessary, and participate in discussions

ii. Frequency of meetings – part of the energy in groups, the degree of member bonding, and group momentum comes from meeting frequently
    1. Expectations or requirements for scheduled meetings need to be clear (monthly, quarterly, at least twice per year, annually, as needed, etc.)

2. Guidelines are helpful for canceling a meeting and for reformatting a scheduled meeting that is either not needed (e.g., no business items to discuss) or needs to be abbreviated (e.g., having a conference call rather than a WebEx or face-to-face meeting); generating business items for the sake of having a scheduled meeting is unproductive and discouraging to members

iii. Types of meetings
   1. Open meetings – some administrative governance and stakeholder-based governance entities require that meetings be subject to "open meeting" laws, which means meetings need to be announced in a public manner and the agenda may need to be publicized according to a predetermined timeline
   2. Closed meetings – some meetings may be limited to members only, but clearly stated reasons may be necessary
   3. In-person meetings
      a. Seating – consider:
         i. Stakeholder group seating – a square or round table to ensure visibility and equality; or a U if presentations will be made
         ii. Visitor or presenter seating – may be included with stakeholders or in a separate designated space in the room or in another room
      b. Materials – consider:
         i. Different paper color for different types of materials (such as blue for agendas, yellow for documents related to action or decisions to be made, green for information-only documents
         ii. Timing for distribution may be before the meeting for items that need review for decision-making rather than during the meeting for items that are brief and for information only
         iii. Duplicates of previously distributed material for visitors or members who fail to bring materials to the meeting

iv. How to manage new or unanticipated materials submitted after meeting materials have been disseminated
    1. Develop a brief outline to accompany a more detailed document
    2. Provide time during a meeting for members to review new materials
v. Members transporting materials after the meeting
    1. Provide materials on a disc after the meeting, or
    2. Bind lengthy materials if members prefer hard copy, or
    3. Provide labeled file folders for brief materials – this makes organizing and filing materials easy for each member and facilitates easy access later

c. Inclusion of all members – some ideas:
    i. Seek input from everyone without putting undue pressure on an individual participant (e.g., inviting comment rather than calling directly on someone)
    ii. Read non-verbal cues for agreement or disagreement with what is being said or done (e.g., stating that the group seems to be in agreement, or noting that the group does not seem to be in agreement and asking if anyone would like to comment)
    iii. Ensure no one dominates the discussion (for example, find an opportunity to interrupt and thank the dominating individual; ask if others have comments)
d. Voting – decide what is appropriate:
    i. Members present
        1. Group response of yea or nay – useful for immediate decision results; most effective if general agreement is anticipated
        2. Secret ballot –decision usually delayed while ballots are counted; often results are more

reflective of true feelings; helpful if disagreement is anticipated
3. Electronic voting system – effective in most voting situations since votes are anonymous and decision result is immediate

ii. Members absent
1. Need for documented policies on proxy voting
2. Need for documented policies on comments offered in absentia
3. Need for pre-meeting dissemination of all available information so in-absentia comments are on-point and proxy votes reflect true feelings and informed opinions

4. Electronic meetings
a. Technical support – ensure:
i. Technological personnel are available to troubleshoot any problems
ii. A back-up technology is available if planned technology fails
iii. Participants have written instructions on use of the technology
b. Materials – consider:
i. Technology that enables synchronous display of the agenda, written materials, PowerPoint® slides, or other materials (such as WebEx®)
ii. Disseminating materials, by hard copy or electronically, before the meeting (e.g., a week prior) for participant review and in case someone's visual link for an electronic meeting does not function properly
c. Inclusion of all members – some ideas:
i. Before starting the meeting, ensure that participants' names of are visible or verbally name all participants who have joined the electronic meeting
ii. Suggest each member identify himself or herself before commenting

iii. If participants are not visible so non-verbal behavior cannot be seen, ensure each individual is invited to comment on each issue before moving on
iv. As with an in-person meeting, ensure no individual dominates discussion
v. If some participants have been silent, invite them to comment

d. Voting – decide what is appropriate:
i. If using technology to vote, ensure the number of votes matches the number of participants
ii. If seeking verbal agreement on a controversial issue, consider a roll call vote
iii. If seeking verbal agreement on a noncontroversial matter, ask if anyone has a concern they would like to express
iv. If proxy voting is allowed, ensure a process to include and reflect those votes verbally or electronically
v. If a member(s) abstains from voting, ensure they are part of the total count

iv. Agendas – often a judicial branch educator's responsibility; generally done in collaboration with stakeholder group leadership [see 1.1.2.8 An Effective Agenda, pg. 51]
1. Provide to members beforehand, especially if lengthy or if items require forethought or preparation
2. Routine items – calling to order, approval of minutes from previous meeting, time to welcome guests, etc.
3. Other items
a. Title of item
b. Level of action for each item
i. Information only – presentation, generally with question and answer, but not an item that needs member input
ii. Discussion only – no decision is needed, but members will discuss the item
iii. Action required – a decision or other action is needed; possibilities include decision to adopt or reject, referral to another group, request for more information before taking action, or tabled for delayed action

c. Responsible individual(s) to present and/or oversee discussion of each item
d. Time estimated for each item

v. Record keeping – determine the appropriate level of documentation
   1. Verbatim – for highly important meetings or when controversial issues are considered
   2. Abbreviated notes of group activity – generally sufficient for documentation of routine meetings for policy and advisory groups
   3. Decisions only – often sufficient for planning groups for programs and courses
   4. Outcome only – often sufficient for work groups and task forces

vi. Handling problems – meetings often generate problems; planning how to handle them ensures quick and fair resolution; consider:
   1. Working with the group to establish some basic ground rules to prevent problems; some possibilities are that everyone agrees to:
      a. Honor the time allotted for each agenda item
      b. Ensure only one person at a time is speaking
      c. Refrain from side conversations
      d. Respect differing opinions
      e. Act in the best interests of the entire group
      f. Listen actively
   2. Drafting guidelines on how to handle problems that can be anticipated *(what kinds of problems might be anticipated)*
      a. Before a meeting – notice that the meeting will lack a quorum; assigned judicial branch educator will not be available to staff the meeting; clerical staff will not be available to support the meeting
      b. During a meeting – a tie vote on an action item; technology fails for an electronic meeting; the committee chair is not present when the meeting is scheduled to start
      c. After a meeting – assigned staff is unable to produce the minutes; an action taken during the meeting becomes impossible to implement; a new issue arises needing immediate action
   3. Drafting procedures for unanticipated problems *(what types of unanticipated problems may arise)*;

procedures might include who needs to be consulted and who will make a decision

a. Before a meeting – disagreement on the proposed agenda: a proposal to bring an inappropriate guest (e.g., media), a member proposes an agenda item that is beyond the scope of the group
b. During a meeting – disagreement among members that does not appear to be resolvable in the meeting timeframe; a member verbally dominates the discussion or verbally attacks another member's position; a member makes unexpected and/or inappropriate motion regarding an agenda item
c. After a meeting – disagreement about the accuracy or completeness of the minutes; a member wants to change position on an issue

Resources for Faculty:

(This is a list of documents, reference materials, and other sources of information that faculty may find useful. In addition to the attached materials, links are provided to more detailed resources.)

1.1.2.1 One Model of Judicial Branch Education Governance, pg. 33
1.1.2.2 Sources of Governance for Judicial Branch Education, pg. 35
1.1.2.3 Judicial Branch Educator Roles, pg. 38
1.1.2.4 Blended Governance and Judicial Branch Educators, pg. 40
1.1.2.5 The Balancing Act – 1, 2, and 3, pg. 42
1.1.2.6 Generalized Relationships with Stakeholder-Based Governance, pg. 46
1.1.2.7 Meetings, Meetings, Meetings, pg. 48
1.1.2.8 An Effective Agenda, pg. 51

Relevant Educational Areas:

(This is a list of content and/or contextual issues that are relevant to this educational area; faculty should be familiar with these areas and may include or reference some of this material in courses developed from this curriculum design.)

Other relevant NASJE curriculum designs or curriculum-based courses:

Evaluating and Enhancing Judicial Branch Education Governance

Other relevant topics or educational areas:

Fairness and Diversity
Ethics
Leadership

The Basics of Governance in Judicial Branch Education

1.1.1.7 Learning Objective, Resource, and Activity Chart

This chart shows the relationship between learning objectives, certain faculty resources, and participant activities; there are faculty resources that are not directly linked to learning objectives and thus are not referenced in this chart.

Learning Objective	Faculty Resource	Participant Activity
1. List the benefits and drawbacks of organizational or administrative governance models, including those found in administrative offices of the courts, universities, associations, and other entities.	1.1.2.1 One Model of Judicial Branch Education Governance, pg. 33 and 1.1.2.2 Sources of Governance for Judicial Branch Education, pg. 35	1.1.3.1 Examining Administrative Governance, pg. 55
2. List the benefits and drawbacks of stakeholder-based governance models, including policy, advisory, program, and course planning committees, as well as task forces and work groups.	1.1.2.1 One Model of Judicial Branch Education Governance, pg. 33 and 1.1.2.2 Sources of Governance for Judicial Branch Education, pg. 35	1.1.3.2 Examining Stakeholder-Based Governance, pg. 57
3. Compare and contrast roles, functions, and relationships in various stakeholder-based governance models.	1.1.2.1 One Model of Judicial Branch Education Governance, pg. 33	1.1.3.3 Comparing Roles and Responsibilities in Stakeholder-Based Governance, pg. 59
4. Discuss the roles and responsibilities of judicial branch educators in relation to organizational or administrative governance entities and stakeholder-based	1.1.2.3 Judicial Branch Educator Roles, pg. 38 and 1.1.2.5 The Balancing Act – 1, 2, and 3, pg. 42	1.1.3.4 Examining Roles and Responsibilities of Judicial Branch Educators, pg. 61

governance entities.		
5. Describe the overarching strategies and skills necessary for judicial branch educators to effectively implement and maintain shared responsibilities in governance between administrative and stakeholder groups.	1.1.2.3 Judicial Branch Educator Roles, pg. 38; 1.1.2.4 Blended Governance and Judicial Branch Educators, pg. 40; and 1.1.2.5 The Balancing Act – 1, 2, and 3, pg. 42	1.1.3.5 Examining Decisions for Necessary Strategies and Skills, pg. 65
6. Discuss the necessary components of effective stakeholder-based governance in judicial branch education.	1.1.2.4 Blended Governance and Judicial Branch Educators, pg. 40; 1.1.2.6 Generalized Relationships with Stakeholder-Based Governance, pg. 46; 1.1.2.7 Meetings, Meetings, Meetings, pg. 48 and 1.1.2.8 An Effective Agenda, pg. 51	1.1.3.6 Examining Necessary Components of Stakeholder-Based Governance, pg. 67
7. Describe the current local roles and relationships among administrative and stakeholder-based governance structures and judicial branch educators and identify whether and/or which improvements or enhancements could be made.	1.1.2.4 Blended Governance and Judicial Branch Educators, pg. 40; 1.1.2.6 Generalized Relationships with Stakeholder-Based Governance, pg. 46; and 1.1.2.5 The Balancing Act – 1, 2, and 3, pg. 42	1.1.3.7 Describing the Local Judicial Branch Education Governance Environment, pg. 69

NASJE CURRICULUM DESIGN

FACULTY RESOURCES

[This page intentionally left blank for duplex printing]

The Basics of Governance in Judicial Branch Education

Explanation of Faculty Resource

1.1.2.1 One Model of Judicial Branch Education Governance

Purpose of resource/document

This resource outlines a potential generalized governance environment for judicial branch education. The administrative governance entity exercises authority, the stakeholder-based governance entity exercises influence over educational processes and products, and judicial branch education personnel work with both types of governance by informing and educating individuals involved and by implementing processes and procedures resulting from both entities. Stakeholder-based governance is shown in several layers of responsibility. Depending on the specifics of a local judicial branch education department, these levels may be applicable in varying degrees.

Use of resource/document

This resource could be one of two resources for introducing the concept of blended governance in judicial branch education [see B, Dynamics of Blended Governance in Judicial Branch Education, pg. 10 in the curriculum design]. The other resource, 1.1.2.2 Sources of Governance in Judicial Branch Education, pg. 35, summarizes the scope of influence of each type of governance and the responsibilities of judicial branch educators to each. Faculty may choose either to use these resources together or or one or the other of them.

Related documents or materials

Faculty resources
1.1.2.2 Sources of Governance for Judicial Branch Education, pg. 35

Participant activities
1.1.3.1 Examining Administrative Governance, pg. 55
1.1.3.2 Examining Stakeholder-Based Governance, pg. 57
1.1.3.3 Comparing Roles and Responsibilities in Stakeholder-Based Governance, pg. 59

The Basics of Governance in Judicial Branch Education
One Model of Governance

	INFORMS * EDUCATES * IMPLEMENTS	Administrative Governance
Authority		The highest level of governance that provides the authority to develop and implement judicial branch education. This group generally provides funding, determines organizational structure, and oversees administration of the judicial branch education effort. This group may be the State Supreme Court, the Administrative Office of the Courts, an association, a university, or other entity.
		Stakeholder-Based Governance
Policy		An oversight group, generally a committee or board that makes decisions about the overall direction of judicial branch education. This group adopts standards, makes decisions about whether curriculum, program, and course development models will be implemented. This group may include representatives from the administrative organization, the target audiences served, justice system partners, and others.
Advisory		A content- and/or process-related group(s). (a) May decide which curriculum model(s) best meets the needs of a target audience(s) and/or may design and adopt a curriculum for implementation. (b) May represent a content area that spans target audiences and topics, such as fairness. The committee(s) may make recommendations to the policy-level committee and/or advise planning committees on content.
Planning		A series of committees that develops or applies program and course development models to best meet the needs of the target audience(s). Each committee may oversee one or more programs, use curriculum designs (if available) to determine which specific topics are to be addressed in courses, and may have responsibility for choosing faculty and ensuring those chosen adhere to the development model(s).
Faculty		Individuals chosen by planning committees and/or judicial branch education personnel who use program and/or course development models to plan courses and deliver content.
Judicial Branch Education Department Personnel		Judicial branch education personnel have responsibility for introducing and educating individuals in governance entities on effective models of curriculum, program, and course development; implementing models adopted; ensuring adherence to adult education principles; educating faculty; serving as the hub for educational offerings; managing funds; and handling logistics for programs and courses.

The Basics of Governance in Judicial Branch Education

Explanation of Faculty Resource

1.1.2.2 Sources of Governance for Judicial Branch Education

Purpose of resource/document

This resource includes two graphic representations of governance in judicial branch education. The first depicts what is often equal influence of both administrative and stakeholder-based governance entities on judicial branch education activities; the other adds to the first by highlighting the interdependence and reciprocity of judicial branch education, which receives support and provides engagement for both types of governance.

Use of resource/document

This resource could be one of two resources for introducing the concept of blended governance in judicial branch education [see B, Dynamics of Blended Governance in Judicial Branch Education, pgs. 10 – 16 in the curriculum design]. The other resource, 1.1.2.1, One Model of Judicial Branch Education Governance, pg. 33, provides a potential generalized governance environment for judicial branch education. Faculty may choose to use these resources either together or one or the other.

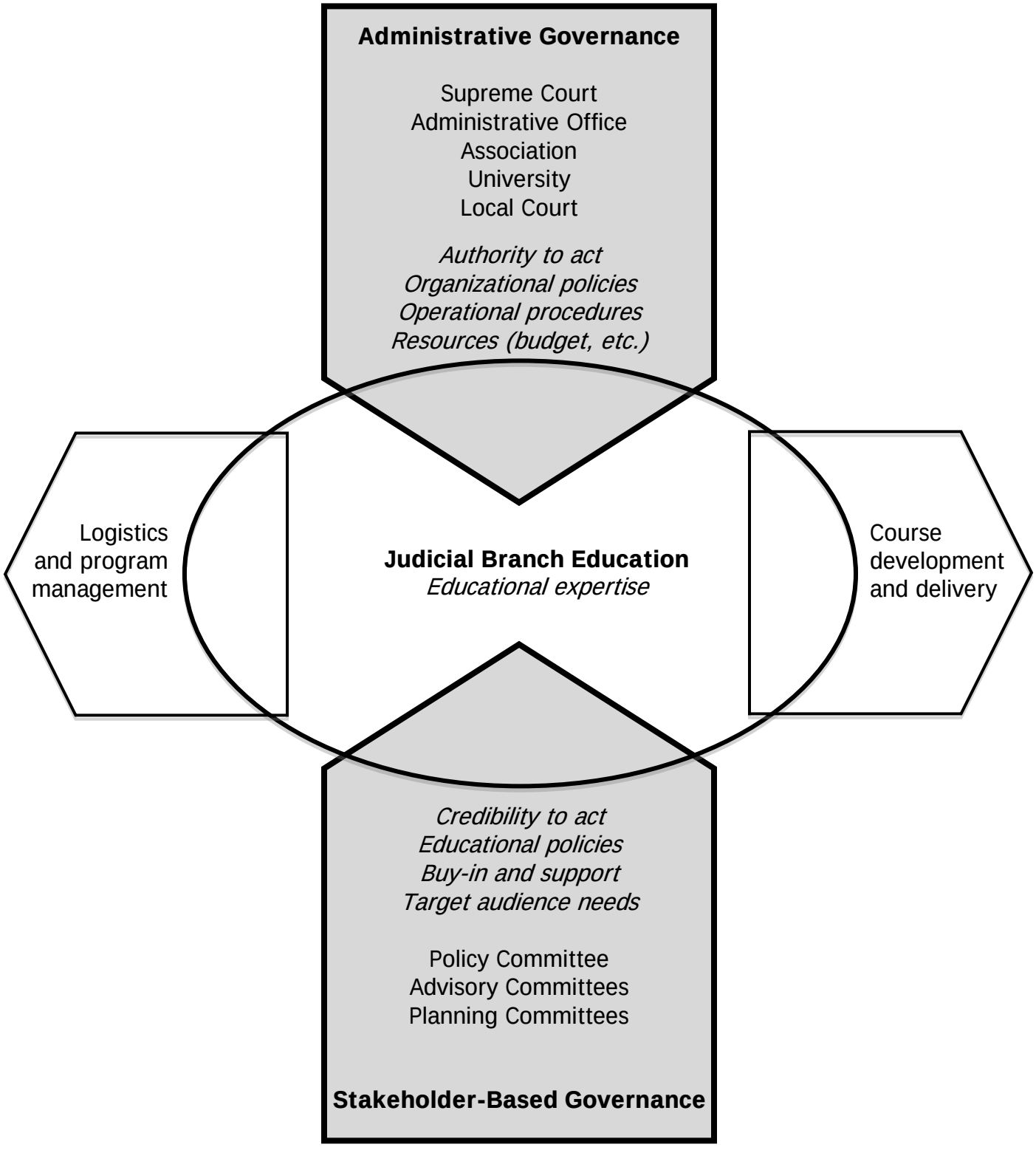
Related documents or materials

Faculty resources
1.1.2.1 One Model of Judicial Branch Education Governance, pg. 33

Participant activities
1.1.3.1 Examining Administrative Governance, pg. 55
1.1.3.2 Examining Stakeholder-Based Governance, pg. 57

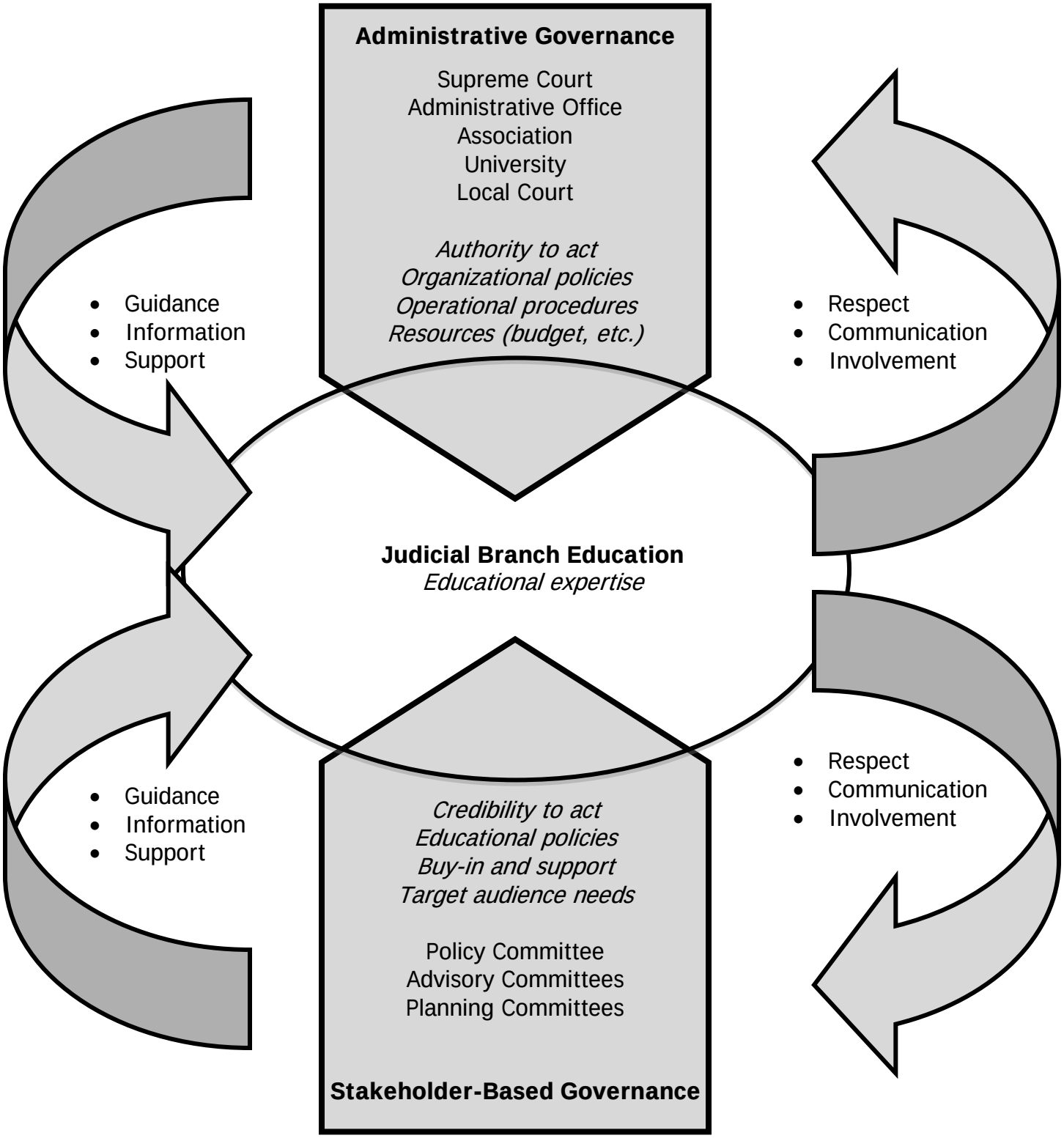
The Basics of Governance in Judicial Branch Education

Sources of Governance for Judicial Branch Education



The Basics of Governance in Judicial Branch Education

Sources of Governance for Judicial Branch Education



The Basics of Governance in Judicial Branch Education

Explanation of Faculty Resource

1.1.2.3 Judicial Branch Educator Roles

Purpose of resource/document

This resource provides an overview of the three overarching roles played by a judicial branch educator and a list of possible responsibilities, skills, and abilities necessary to function in a blended governance environment. Faculty and judicial branch educator learners may revise this resource to be more reflective of the local environments represented by learners. NOTE: the responsibilities, skills and abilities are not necessarily in priority order; different judicial branch educators may have varying professional expectations from their governance entities.

Use of resource/document

This resource would be effective as part of a discussion about the skills and abilities that judicial branch educators need to fulfill their responsibilities as employees of the administrative governance entity, as partners with the stakeholder-based governance entity, and as educators in the judicial branch [see B, Dynamics of Blended Governance in Judicial Branch Education, subpart b, iii, Judicial Branch Educators, pgs. 14 – 16 in the curriculum design]. Judicial branch education learners may expand the list of responsibilities, skills, and abilities, they may discuss the commonalities, and/or they may discuss the impact or relevance of the responsibilities, skills, and abilities.

Related documents or materials

Faculty resources
1.1.2.4 Blended Governance and Judicial Branch Educators, pg. 40
1.1.2.5 The Balancing Act – 1, 2, and 3, pg. 42

Participant activities
1.1.3.4 Examining Roles and Responsibilities of Judicial Branch Educators, pg. 61
1.1.3.5 Examining Decisions for Necessary Strategies and Skills, pg. 65

The Basics of Governance in Judicial Branch Education

Judicial Branch Educators

Role	Responsibilities	Skills and Abilities
Employee of Administrative Governance Entity	• Allegiance to Employer o Honesty o Fairness o Timeliness o Effectiveness o Efficiency o Accountability o Respect • Educational Expertise • Professionalism o Ethical Behavior o Confidentiality	• Communication Skills o Verbal skills o Writing skills • Organizational Skills • Leadership Skills • Budgeting and Fiscal Management Skills o Forecasting o Expenditure control o Contracting
Partner with Stakeholder-Based Governance Entity	• Engagement of Stakeholders o Guidance o Support o Inclusion • Respect for Stakeholders o Honesty o Confidentiality • Professionalism o Effectiveness o Efficiency o Ethical Behavior • Educational Expertise	• Communication Skills • Organizational Skills • Ability to Work With a Variety of People o Ability to Persuade o Ability to Work From Where You Are (includes working behind the scenes; giving or sharing credit with leadership; developing stakeholder advocates; and more)
Educator in the Judicial Branch *(Due to the various roles of judicial branch educators, the responsibilities, skills, and abilities listed may be applied differently; for example presentation skills may mean serving as faculty or presenting a budget proposal or presenting ideas to a committee)*	• Educational Expertise o Knowledge of Effective Models and Processes o Knowledge of Adult Education Principles o Knowledge of Learning Styles • Education for Faculty • Effectiveness • Efficiency • Professionalism • Course Development • Program Management	• Instructional Design Skills (applied to in-person and electronic delivery) o Determining Needs o Stating Course Goals o Stating Learning Objectives o Selecting Content o Developing Course Structure o Determining Teaching Methodologies o Choosing Teaching Aids o Developing Materials o Designing Evaluation Strategies o Choosing Seating o Delivering Content o Evaluating Course • Presentation Skills • Organizational Skills

The Basics of Governance in Judicial Branch Education

Explanation of Faculty Resource

1.1.2.4 Blended Governance and Judicial Branch Educators

Purpose of resource / document

This resource is an organigram, a graphic depiction of processes using a familiar image. This depiction illustrates how the roles of governance entities and judicial branch educators work together, are interdependent, and combine to produce the most effective product possible. The image shows what is necessary to construct a house; in this context the house is judicial branch education. The text highlights the roles of governance and judicial branch educators.

Use of resource / document

This resource would be useful when discussing judicial branch education's allegiance to and dependence on both types of governance for the most effective results [see B, c, Dynamics of interaction between and among groups concerned with judicial branch education, subpart iii, Judicial branch educators, pgs. 14 – 16 in the curriculum design].

Related documents or materials

Faculty resources
1.1.2.3 Judicial Branch Educator Roles, pg. 38
1.1.2.5 The Balancing Act – 1, 2, and 3, pg. 42
1.1.2.6 Generalized Relationships with Stakeholder-Based Governance, pg. 46

Participant activities
1.1.3.5 Examining Decisions for Necessary Strategies and Skills, pg. 65
1.1.3.6 Examining Necessary Components of Stakeholder-Based Governance, pg. 67

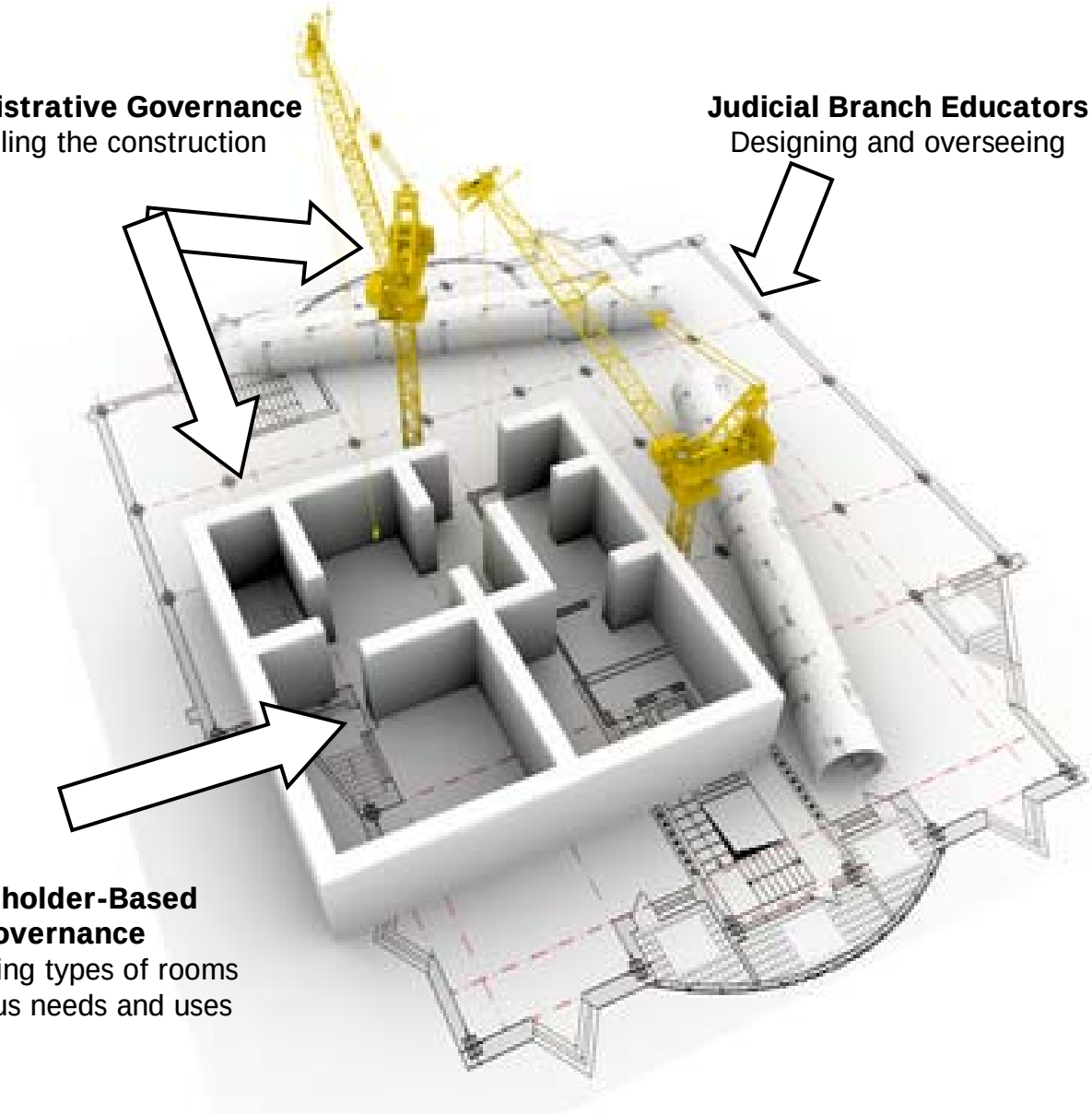
The Basics of Governance in Judicial Branch Education

The Integration of Administrative Governance, Stakeholder-Based Governance, and Judicial Branch Educators

Judicial Branch Educators – architects and planners, designers and overseers of the overall product (ensuring adherence to sound educational practices)

Administrative Governance – applicable building codes, workers, materials, equipment, and permits (conveying authority and resources for education)

Stakeholder-Based Governance – the client's input, decisions about the types of rooms needed (shaping curricula and courses for learners)



The Basics of Governance in Judicial Branch Education

Explanation of Faculty Resource

1.1.2.5 The Balancing Act – 1, 2, and 3

Purpose of resource/document

This resource includes three illustrations that represent the kinds of balance judicial branch educators need to maintain in significant parts of their work. The first depicts the role of judicial branch educators in balancing the needs and perspectives of administrative and stakeholder-based governance entities. The second depicts balancing the needs and perspectives of governance entities with sound educational practices. And the third depicts balancing professional working relationships with any personal stakeholder relationships.

Use of resource/document

Each of the three illustrations may be used separately to introduce several issues that judicial branch educators must balance or the three may be used collectively to summarize the issues [see B, c, Dynamics of interaction between and among groups concerned with judicial branch education, subpart iii, Judicial branch educators, pgs. 14 - 16 in the curriculum design]

Related documents or materials

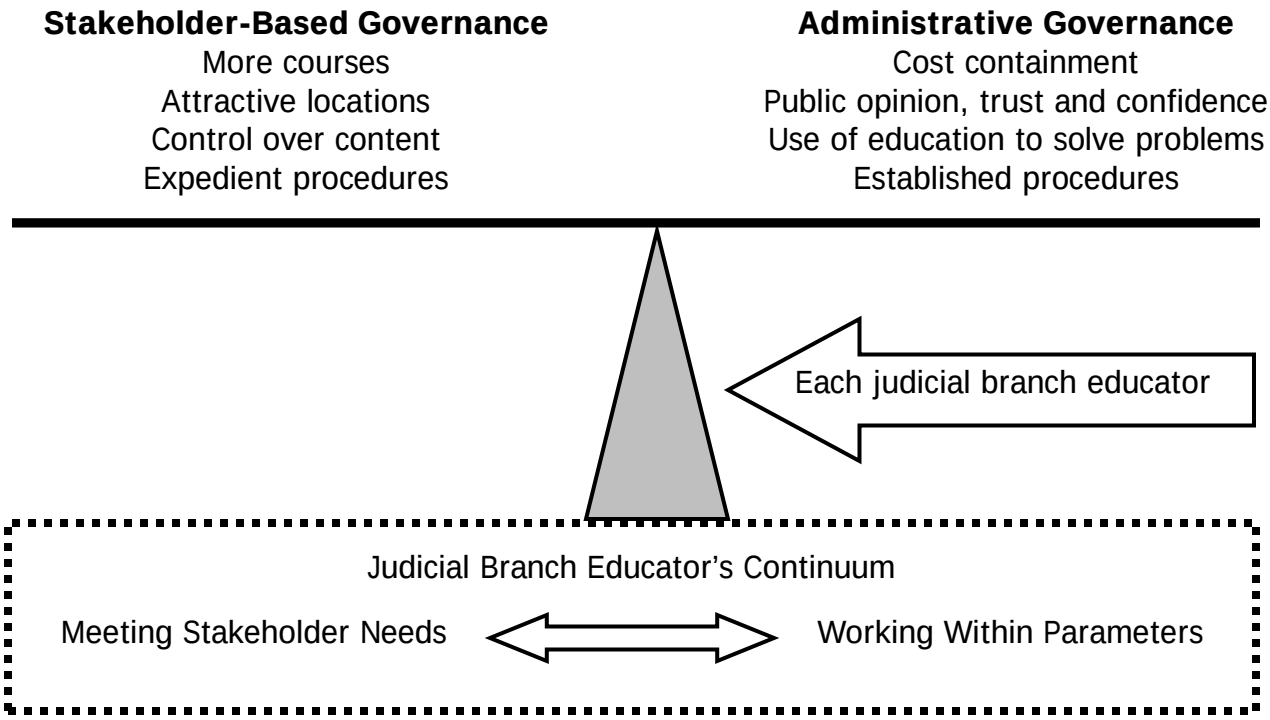
Faculty resources
1.1.2.3 Judicial Branch Educator Roles, pg. 38
1.1.2.4 Blended Governance and Judicial Branch Educators, pg. 40
1.1.2.6 Generalized Relationships with Stakeholder-Based Governance, pg. 46

Participant activities
1.1.3.5 Examining Decisions for Necessary Strategies and Skills, pg. 65
1.1.3.7 Describing the Local Judicial Branch Education Governance Environment, pg. 69

The Basics of Governance in Judicial Branch Education

The Balancing Act 1

Balancing differences between needs and desires of governance entities:



Each judicial branch educator is faced with balancing different desires, perspectives, and needs of administrative governance and stakeholder-based governance entities. For example, the stakeholder-based governance entity may want attractive locations for courses; the administrative governance entity may be concerned with the appearance of how public monies are spent and prefer more low-profile locations. In the process of working with these sometimes conflicting needs and desires, each judicial branch educator should carefully consider how to support both governance entities without diminishing the role of one or the other. Ultimately, the administrative governance entity is the employer. However, credibility for educational products may depend on stakeholder-based governance.

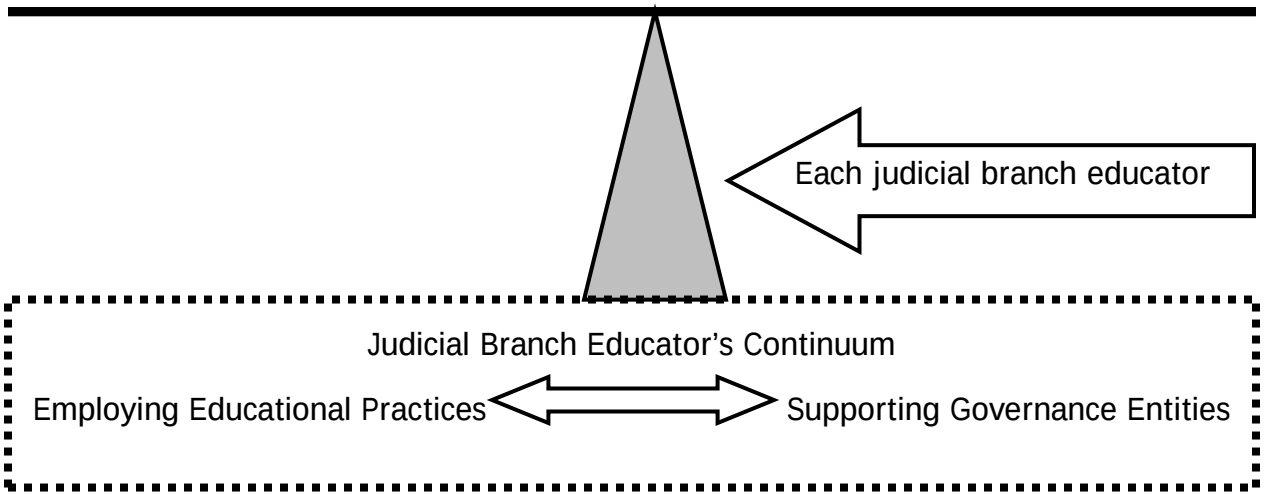
The Basics of Governance in Judicial Branch Education

The Balancing Act 2

Balancing effective education practices with governance issues:

Educational Issues
Educational models, practices and processes
Qualified personnel
High quality faculty
Ethical decision-making
Target audience needs

Governance Issues
(Administrative and stakeholder-based)
Parameters of involvement
Group and individual needs
Differing perspectives
Conflicting interests
Ownership issues



Each judicial branch educator is faced with employing sound educational practices while meeting the desires, perspectives, and needs of administrative governance and stakeholder-based governance entities. For example, the stakeholder-based governance entity may want to suspend instructional design processes for certain judicial faculty. The administrative governance entity, in response to some negative media reports, may want to resolve issues of access and fairness in a 45-minute plenary session at a conference. With either situation, sound educational practice may be in conflict with what the governance entity may want to do. In the process of balancing educational practices and governance issues, judicial branch educators should carefully consider how to achieve their prime directives as educators while honoring both governance entities. In some situations, the judicial branch educator may need to advocate for changes or practices to benefit educational growth that are not popular with one or both governance entities.

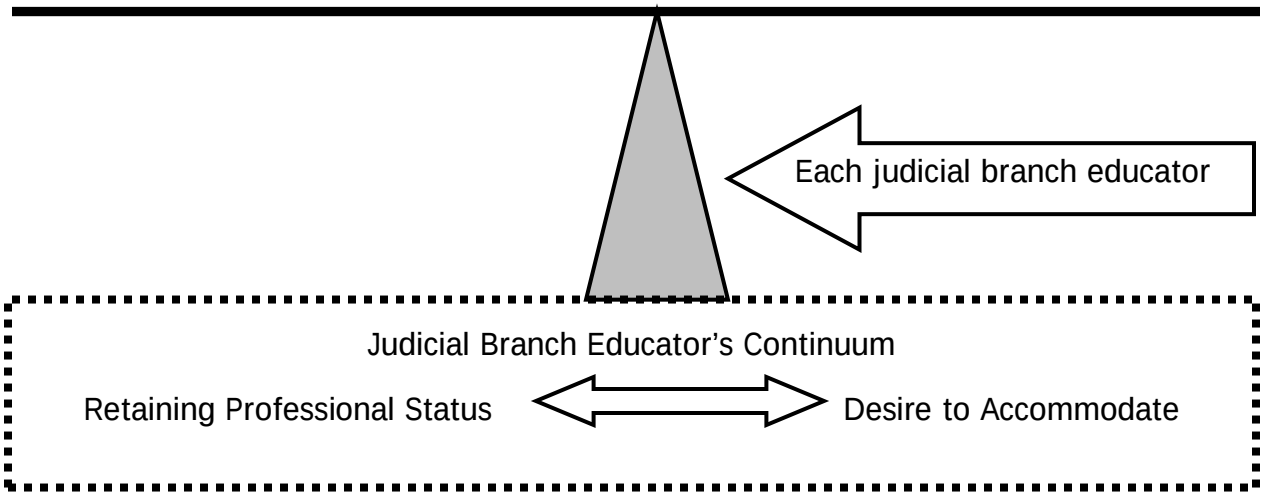
The Basics of Governance in Judicial Branch Education

The Balancing Act 3

Balancing professional activity with the desire to be accommodating:

Professional Responsibilities to All Stakeholders
Support of stakeholder groups
Efficient use of judicial branch education time and funds
Equal treatment of all stakeholders

Possible Personal Expectations of a Stakeholder in Governance
Expecting special individual treatment
Accessing educator's personal time
Discussing inappropriate information
Influencing an educator's decisions



Each judicial branch educator is faced with retaining his or her professional status as an educator and as an employee of the administrative governance entity while remaining accommodating to and supportive of stakeholders. For example, when a judicial branch educator and a stakeholder work together over an extended time, a friendship may develop. The friendship may make working together a more pleasant process, but it can also lead to difficult choices for the judicial branch educator if problems arise or if the expectations of the stakeholder go beyond development and delivery of judicial branch education. In the process of working with stakeholders, judicial branch educators should carefully consider the kinds of relationships that are necessary to support judicial branch education while avoiding relationships that could compromise their ability to fairly and ethically do their work.

The Basics of Governance in Judicial Branch Education

Explanation of Faculty Resource

1.1.2.6 Generalized Relationships with Stakeholder-Based Governance

Purpose of resource/document

This resource graphs common relationships between various levels of stakeholder-based governance entities and judicial branch education personnel. This chart is only one example of how these relationships may interface; stakeholder-based governance entities and judicial branch education personnel positions and responsibilities differ from one organization to another.

The chart may be used in several ways. One discussion point is how the types of relationships between stakeholders and judicial branch educators may differ depending on organizational levels. For example, the policy level of stakeholder-based governance works with the judicial branch education department director or manager; this relationship may be a partnership. The advisory level may work with managers or supervisors in the department; this may be a cooperative relationship. The planning level (for programs and courses) works with individual judicial branch education personnel; this may be a superior-inferior relationship. Other discussion points might include how the various stakeholder groups view judicial branch educators as a whole, how to effectively define the various relationships, or how to generate an overarching type of relationship rather than differing types based on organizational levels.

Use of resource/document

This resource would be useful when discussing how to develop and/or enhance stakeholder-based governance [see C, a, i, 3, Clearly defining relationships to judicial branch education personnel, pg. 17 in the curriculum design]. Judicial branch educator learners may expand or refine the resource during discussion based on their experience and/or local governance environment.

Related documents or materials

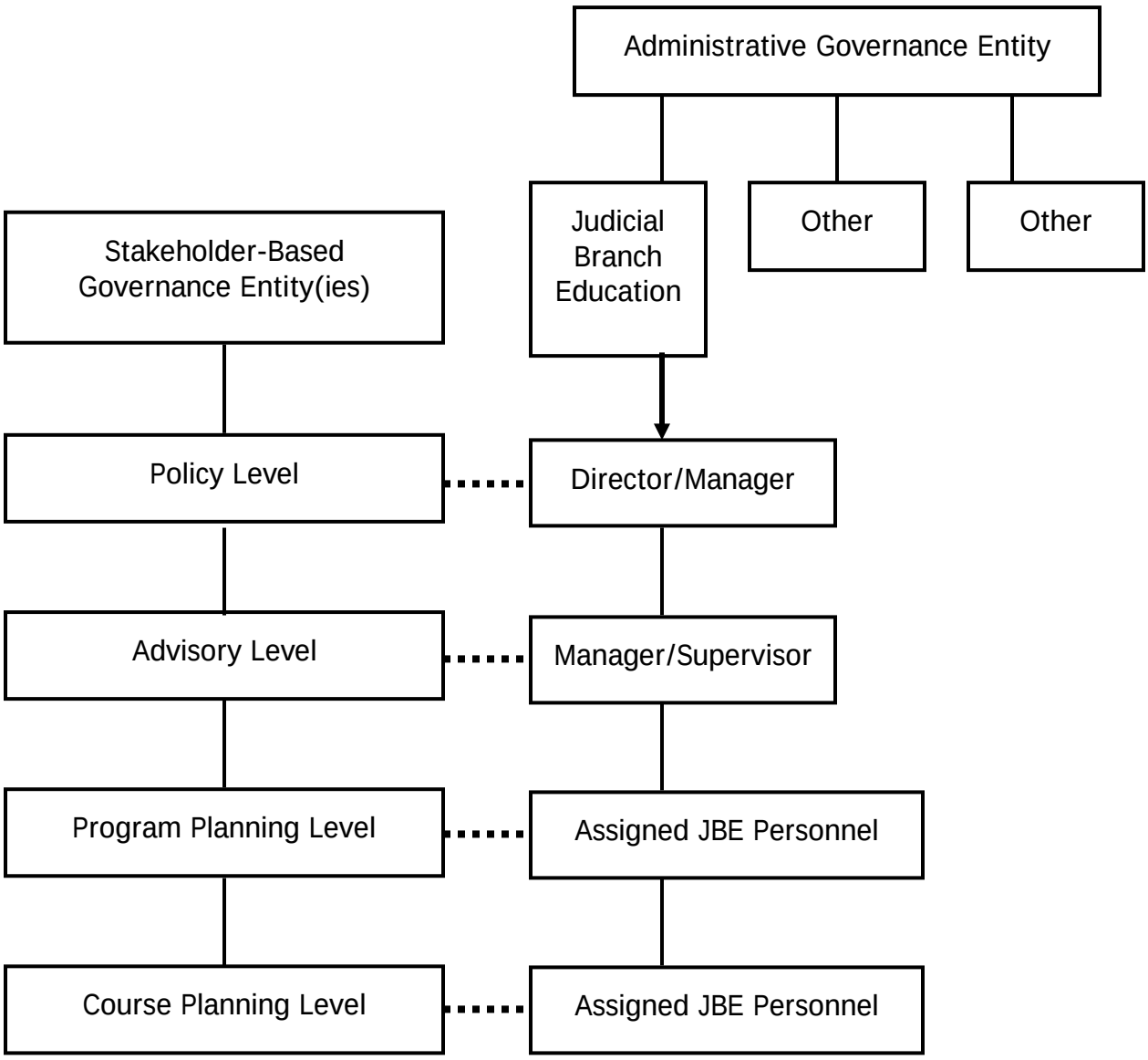
Faculty resources
1.1.2.4 Blended Governance and Judicial Branch Educators, pg. 40
1.1.2.5 The Balancing Act – 1, 2, and 3, pg. 42

Participant activities
1.1.3.6 Examining Necessary Components of Stakeholder-Based Governance, pg. 67
1.1.3.7 Describing the Local Judicial Branch Education Governance Environment, pg. 69

The Basics of Governance in Judicial Branch Education

Generalized Relationships With Stakeholder-Based Governance

Judicial branch education is often based on blended governance from the administrative organization and from stakeholder groups. If stakeholder-based governance is comprehensive, there may be several levels of stakeholder groups working under guidance from a policy-level stakeholder group. Often, if there are several levels of stakeholder-based governance, they work directly with various individuals in the judicial branch education department.



The Basics of Governance in Judicial Branch Education

Explanation of Faculty Resource

1.1.2.7 Meetings, Meetings, Meetings

Purpose of resource/document

This resource provides judicial branch educators with ideas about how to plan and conduct meetings for maximum effectiveness and efficiency. In planning they may work directly or in partnership with stakeholder-based governance leaders

Use of resource/document

This resource would be useful when discussing stakeholder-based governance entity meetings [see C, e, Planning and conducting meetings, pgs. 21 – 26 in the curriculum design].

NOTE: Although faculty may choose to omit or only briefly discuss the content on meetings (based on the particular needs of the judicial branch education learners), meetings are the forums through which governance activities often occur. Understanding how to effectively plan and implement meetings may be key to effective stakeholder-based governance.

Related documents or materials

Faculty Resources
1.1.2.4 Blended Governance and Judicial Branch Educators, pg. 40
1.1.2.6 Generalized Relationships with Stakeholder-Based Governance, pg. 46
1.1.2.8 An Effective Agenda, pg. 51

Participant activity
1.1.2.6 Necessary Components of Stakeholder-Based Governance, pg. 67

The Basics of Governance in Judicial Branch Education

Meetings, Meetings, Meetings

Effective meetings depend on careful planning, time and people management, and thorough follow-up activity. Effective meetings achieve established goals, take only the amount of time necessary, and provide participants with a sense of accomplishment. Stakeholder-based governance meetings are generally prepared and implemented by the group's chair and the judicial branch educator working in collaboration. The following may be the responsibility of the chair or the educator, but those decisions need to be made prior to planning a meeting.

Careful Planning

- Determine the meeting goals
  - What do you hope to accomplish?
  - What are the anticipated results of the meeting?
  - What parties need to be consulted regarding goals?
- List the items or issues and prepare the agenda
  - What items are necessary to achieve the goals?
  - What has priority for inclusion?
  - What is a logical sequence for items?
    - Are some items relevant or important to address first?
    - Are some items perfunctory?
    - Are some items likely to be controversial?
    - Should easy or noncontroversial items be addressed first?
  - What could be addressed in another way, without a meeting?
- Establish estimated time frames for each item
  - What amount of time is really necessary?
  - Is the item likely to generate significant discussion?
- Create or gather meeting materials, including the agenda
  - What materials are truly necessary?
  - Should they be distributed to participants before the meeting?
  - Should they be shared in hard copy or electronically?
- Determine the date, time, location, and duration
- Invite participants
  - Provide the agenda or goal
  - Disseminate any materials that participants need to review

Time and People Management

- Begin the meeting on time to show respect for participants and visitors
- Provide an overview
  - Does everyone understand the purpose of the meeting?
  - Should you review the agenda?
  - Are there any changes that might occur (such as reordering items based on the anticipated appearance of a relevant person)

- Document the meeting
    - Do you need to record activity verbatim, or with abbreviated notes, or with action or decision items only?
    - Would the agenda serve as a guide?
    - What needs to be recorded for further activity?
        - Who has post-meeting assignments for follow-up activity?
        - What items need further discussion at a future time?
        - What new items were generated for a future meeting?
- Observe the time routinely
    - Do you need to redirect discussion?
    - If more time is needed for an item, can you abbreviate something else in order to stay within the time parameter of the meeting?
    - Should something be postponed or tabled until later?
- Observe non-verbal activity of participants
    - Does anyone appear to have something to say?
    - Does anyone appear to disagree with what is being said or done
- Protect and respect everyone's opinion
    - Is someone dominating the discussion?
    - Could you engage others in a non-threatening manner?
    - Who has not contributed to the discussion?
    - Is someone being disrespectful or hurtful to another participant?
    - If you have criticisms, can they wait until after the meeting?
- At the end of each agenda item, summarize the discussion and outcome
    - Was there complete agreement?
    - Were there differing opinions?
    - What was the end result?
- At the end of the meeting summarize key outcomes and next steps
- End the meeting on time to show respect for participants and visitors

Thorough Follow-Up Activity

- Debrief with relevant individuals who were present
    - Were your impressions of success accurate?
    - Did you fail to notice something?
    - Is there another approach to any remaining issues?
    - What were their thoughts on the effectiveness of the meeting?
- Distribute minutes as soon as possible, highlighting decisions as well as items needing follow-up activity and the responsible individual or group
- Thank meeting participants for their time and efforts
- Begin to prepare for the next meeting
    - Are there items from this meeting that need to be included in the next meeting agenda?
    - How can you gather information on post-meeting assignments or activity to use as updates in the next meeting?

The Basics of Governance in Judicial Branch Education

Explanation of Faculty Resource

1.1.2.8 An Effective Agenda

Purpose of resource/document

This resource is an example of one approach to creating an agenda for stakeholder-based governance meetings. The agenda includes an example of topics, the level of action needed, the presenter(s), the timeframe, and a brief explanation of how the time will be used.

Use of resource/document

This resource would be useful when discussing stakeholder-based governance entity meetings [see C, e, Planning and conducting meetings, pgs. 21 - 26 in the curriculum design]. This is only one example of an effective approach to an agenda; judicial branch educator learners may have changes to suggest or they alternative suggestions for an effective agenda.

Related documents or materials

Faculty resource
1.1.2.7 Meetings, Meetings, Meetings, pg. 48

The Basics of Governance in Judicial Branch Education
Example of an Effective Agenda

Committee on Judicial Branch Education
Quarterly Meeting: June 12, 2012 – 10:00 AM – 3:00 PM

Welcome and Call to Order
Hon. Virginia Levitt, Chair (5 minutes)

Review and Approval of Minutes from Previous Meeting
Hon. Virginia Levitt, Chair (5 minutes)

Review and Approval of Meeting Agenda
Hon. Virginia Levitt, Chair (10 minutes)

Introduction of Guests
Various Committee Members (5 minutes)

Review of Recent Activity – Information Only
Judicial Branch Education Personnel (30 minutes)
Review of activity for the past 3 months, including excerpts, highlights, and evaluations of several new courses delivered electronically.

Request for Changes in Policy for Faculty Service – Action Needed
Judicial Branch Education Personnel (30 minutes)
Follow-up from a previous discussion; judicial branch education personnel will present new data that was requested by the committee.

Lunch (45 minutes)

Reports on Levels of Participation in Courses – Discussion Only
Judge D. Hashisaki and Ms. B. Poliski, Court Administrator (60 minutes)
Reports from the chair of the Judge's Advisory Committee and the chair of the Court Personnel Advisory Committee; the reports show decreases in participation for some courses and increases for others.

Expansion of Program Planning Committees – Action Needed
Hon. Virginia Levitt, Chair (30 minutes)
Request from several program planning committee chairs to create additional committees to lighten current committee workload.

Appointment of New Planning Committee Members – Action Needed
Judicial Branch Education Personnel (60 minutes)
Review of 25 recommendations received by judicial branch education personnel following a recruitment notice; the committee needs to appoint three new members to each of the 5 current committees.

Adjournment
Hon. Virginia Levitt, Chair

NASJE CURRICULUM DESIGN

PARTICIPANT ACTIVITIES

[This page intentionally left blank for duplex printing]

The Basics of Governance in Judicial Branch Education

Explanation of Participant Activity

1.1.3.1 Examining Administrative Governance

Purpose of activity

This activity engages judicial branch educators in seeing how their local administrative governance entity can benefit or inhibit judicial branch educational efforts. Because the administrative governance entity is not changeable, this activity is simply to identify positive and negative aspects. Understanding these aspects of the local administrative governance entity can assist judicial branch educators in identifying the skills and abilities they need to function effectively in a blended governance environment. Because there may be a variety of sources or models of administrative governance represented in any group of learners, faculty needs to be prepared for broad and diverse feedback on this activity.

Use of activity

This activity would be effective if used after explaining what governance is and the specifics of administrative governance [see A, Governance, subparts a, Definition, b, Organizational, institutional, or administrative governance, and c, Stakeholder-based governance, pgs. 9 - 10 in the curriculum design]. If a wide range of administrative governance entities is not represented among the learners, after judicial branch educators have discussed their administrative governance entities, faculty may choose to generate a discussion about entities that are not represented and their potential benefits and drawbacks.

This is an individual activity, but a collective discussion is necessary to fulfill the learning objective.

Relevant Learning Objective

1. List the benefits and drawbacks of organizational or administrative governance models, including those found in administrative offices of the courts, universities, associations, and other entities.

The Basics of Governance in Judicial Branch Education

Administrative Governance

Complete the following as it applies to your administrative governance entity(ies), the overarching organization in which judicial branch education resides.

Place a check mark next to your administrative entity:

⑥ Supreme Court
⑥ Administrative Office of the Courts
⑥ University
⑥ Association
⑥ Local Court
⑥ Other

Key services and/or products of the administrative entity:

Service or product	Recipient or beneficiary

Benefits of being part of the administrative entity:

- _____
- _____
- _____
- _____

Drawbacks of being part of the administrative entity:

- _____
- _____
- _____
- _____

The Basics of Governance in Judicial Branch Education

Explanation of Participant Activity

1.1.3.2 Examining Stakeholder-Based Governance

Purpose of activity

This activity engages judicial branch educators in seeing how their local stakeholder-based governance entity can benefit or inhibit judicial branch educational efforts. Because the stakeholder-based governance entity may be open to change, this activity can provide judicial branch educators with some ideas about how to restructure this group locally. In addition, learners may identify the skills and abilities they need to function effectively in a blended governance environment. Because there may be a variety of sources or models of stakeholder-based governance entities represented in any group of learners, faculty needs to be prepared for broad and diverse feedback on this activity.

Use of activity

This activity would be effective if used after explaining what governance is and the specifics of stakeholder-based governance [see A, Governance, subparts a, Definition, b, Organizational, institutional, or administrative governance, and c, Stakeholder-based governance, pgs. 9 – 10 in the curriculum design]. If a wide range of stakeholder-based governance entities is not represented among the learners, after judicial branch educators have discussed their stakeholder governance entities, faculty may choose to generate a discussion about any levels or aspects of stakeholder-based governance that are not represented and their potential benefits and drawbacks.

This is an individual activity, but a collective discussion is necessary to fulfill the learning objective.

Relevant Learning Objective

2. List the benefits and drawbacks of stakeholder-based governance models, including policy, advisory, program, and course planning committees, as well as task forces and work groups.

The Basics of Governance in Judicial Branch Education

Stakeholder-Based Governance

Complete the following as it applies to your stakeholder-based governance entity(ies), the overarching organization in which judicial branch education resides.

Place a check mark next to the type of stakeholder entity(ies) you have:

⑥ Policy level
⑥ Advisory level
⑥ Planning level
⑥ Task forces or workgroups
⑥ Other _____
⑥ Other _____

Key services and/or products of the stakeholder-based entity(ies):

Service or products	Recipient or beneficiary

Benefits of having this (these) stakeholder-based entity(ies):

- _____
- _____
- _____
- _____

Drawbacks of having this (these) stakeholder-based entity(ies):

- _____
- _____
- _____
- _____

The Basics of Governance in Judicial Branch Education

Explanation of Participant Activity

1.1.3.3 Comparing Roles and Responsibilities in Stakeholder-Based Governance

Purpose of activity

This activity builds on 1.1.3.2 Examining Stakeholder-Based Governance, pg. 57, in which judicial branch educators identified benefits and drawbacks of their own stakeholder-based governance entity. This activity involves judicial branch educators in examining more deeply the specifics of groups in their stakeholder-based entity. The purpose of this examination is to reveal the similarities and differences among local groups as well as intergroup relationships.

Use of activity

This activity would be effectively used after discussing the various levels of responsibility that may be represented in a stakeholder-based governance entity [see B, Dynamics of Blended Governance in Judicial Branch Education, subpart b, ii, Various levels of stakeholder-based governance entities in judicial branch education, pg. 12].

This is an individual activity, but a collective discussion is necessary to fulfill the objective.

Relevant Learning Objective

3. Compare and contrast roles, functions, and relationships in various stakeholder-based governance models.

The Basics of Governance in Judicial Branch Education

Roles and Responsibilities in Stakeholder-Based Governance

Complete the following as it applies to your stakeholder-based governance entity.

Name Your Stakeholder Group(s) for Each Level (e.g., Annual Conference Planning Committee)	**List the Level of Authority for Each** (e.g., Makes decisions on topics for courses)	**What Is Their Relationship to Other Groups** (e.g., Reports to Governing Committee; Oversees Course Planning Committees)	**What Are Their Roles and Responsibilities** (e.g., Recommends sites, determines social events, invites special guests to open event)	**What Are Their Products or Services** (e.g., an annual judicial conference for 250 judges)
Policy Level:		Reports to: Oversees:		
Advisory Level:		Reports to: Oversees:		
Planning Level:		Reports to: Oversees:		
Workgroups, Task Force(s):		Reports to: Oversees:		
Other:		Reports to: Oversees:		

The Basics of Governance in Judicial Branch Education

Explanation of Participant Activity

1.1.3.4 Examining Roles and Responsibilities of Judicial Branch Educators

Purpose of activity

This activity has two sets of scenarios or dilemmas. The first set of scenarios (A – G) engages judicial branch educators in dilemmas involving individuals dealing with demands from administrative governance and stakeholder-based governance entities. The purpose of these scenarios is to highlight the difficulty in balancing demands of these two types of governance, one the employer and the other representing learners. Scenarios are divided based on various types of administrative governance entities; faculty may choose which dilemmas to use based on the entities represented by participants in the learner group.

The second set of scenarios or dilemmas (H – K) engages judicial branch educators in balancing their professional role and the sometimes personal expectations of stakeholders. Any or all of the scenarios would be appropriate for judicial branch educators; faculty may choose to assign different scenarios to each small group.

There are no right or wrong answers to the dilemmas and faculty needs to be prepared for differences of opinion among learners.

Use of activity

This activity would be effective as part of a discussion about how individuals involved in judicial branch education interact [see B, Dynamics of Blended Governance in Judicial Branch Education, subpart c, Dynamics of interaction between and among various groups concerned with judicial branch education, pgs. 13 – 16].

This is a small group activity.

Relevant Learning Objective

4. Discuss the roles and responsibilities of judicial branch educators in relation to organizational or administrative governance entities and stakeholder-based governance entities.

The Basics of Governance in Judicial Branch Education

Roles and Responsibilities of Judicial Branch Educators Balancing Conflicting Perspectives and Needs

Administrative Office of the Courts – In addition to the administrative governance provided by the AOC, your judicial branch education department has three levels of stakeholder–based governance: policy, program planning, and course planning.

Scenario A: The department's budget has been reduced annually for the past three fiscal years. The state court administrator recently announced that the new fiscal year budget will reflect additional reductions. The stakeholder policy-level committee decided to implement curriculum development for all target audiences three years ago. The project has been delayed due to budget constraints. The chair of the policy committee suggests that the project be delayed indefinitely because (1) funding is not available, (2) most of the members who originally supported the idea have all rotated off of the committee, and (3) interest in more formalization of education is waning. You believe curriculum development is crucial and if not pursued actively, it will be difficult, if not impossible, to regain momentum for this effort.

What do you do?

Scenario B: You are traveling by car with the chair of the program planning committee for the judges' annual conference. The purpose of your trip is to evaluate sites for next year's conference. During a two-hour drive, the chair begins to talk about the ineffectiveness of the state court administrator.

What do you do?

Scenario C: Recently the state court administrator mentioned to you that she had received complaints about the chair of the course planning committee for ethics education, who was appointed to the ethics education committee by the chair of the policy committee. She noted that her experience with the chair was negative, that the individual had no credibility, loved the spotlight, and was only serving as chair to strengthen her list of accomplishments. You partially agree.

What do you do?

Scenario D: The state court administrator asks you to design a course to get judges to use a referral program for attorneys who demonstrate substance abuse behavior. Judges are divided on the advisability of the program. Education committee members say that a course will not resolve the issue.

What do you do?

The Basics of Governance in Judicial Branch Education

Roles and Responsibilities of Judicial branch Educators: Balancing Conflicting Perspectives and Needs

University – In addition to the administrative governance provided by the university, your judicial branch education department has three levels of stakeholder–based governance: policy, program planning, and course planning.

Scenario E: The president of the university recently announced that several services previously provided at no charge (such as printing, use of space for non-student activities, and administrative support) would now be billed to various special projects, including judicial branch education. You discuss this new fiscal situation with the chair of the policy committee who firmly states that the change is the direct result of a personal disagreement between himself and the president. He adds that he will rally the policy committee to stop this change.

What do you do?

Scenario F: The judicial branch education department is hosted within the university by the College of Law. The dean of the college asks you to urge the course planning committees to involve more law school professors. She indicates that some professors are not fulfilling their research and writing obligations and has told them that faculty service for some courses for judges will be a substitute.

What do you do?

Association – The judges association employs seven staff members, including an executive director, an administrative assistant, a benefits coordinator, and you and two program attorneys who are involved in judicial education.

Scenario G: The association elects a new president every two years. The chair of the policy committee for judicial education was a candidate for president of the association but was defeated by the current president. The new president and executive director want to offer a daylong course on retirement issues and provide 7 continuing judicial education credits (the requirement is 10 hours per year); the chair of the policy committee is opposed and expects you to resolve the issue with the president and executive director.

What do you do?

The Basics of Governance in Judicial Branch Education

Roles and Responsibilities of Judicial Branch Educators: Maintaining a Professional Relationship with Stakeholders

Scenario H: You have worked closely with the judge who chairs the judicial branch education policy committee. You have shared dinner together many times and she recently invited you to have dinner with her family at her home, not as part of a group but as an individual. Several days later she comes to your office and lets you know she is being considered for a position on a statewide commission; she wants you to speak with the state court administrator about writing a recommendation for her.

What do you do?

Scenario I: You have traveled many times with a court administrator whose court is in the same city as your office. He serves on a judicial branch education advisory committee and is often faculty for management courses that you offer. You are both dog lovers and have the same breed of dog. During your trips you have shared many stories about your pets. Yesterday you received an email from him asking if you would take care of his dog while he is on a weeklong trip. He prefers that the dog stay in familiar surroundings, so you would go to his home.

What do you do?

Scenario J: Today you arrived at the local airport with five members of a program planning committee for a three-day trip to select a site for an upcoming conference. One of the committee members, who lives in a city 200 miles away, is an acquaintance of many years. She asks you to take her luggage home with you so she can take a brief side trip to a local hot springs resort for a few days; she will be traveling in a small shuttle bus and does not want to be bothered with anything other than one small bag. She says she will come by in a few days to pick up the luggage before she flies back to her home.

What do you do?

Scenario K: A judge with whom you have worked closely for many years asks if he can talk with you confidentially. You agree to meet after work at a local coffee shop. The judge tells you that he is one of two judges being considered for an appellate position. He asks if you will write a letter of recommendation on his behalf since he has done so much work on behalf of judicial branch education. He lets you know that the other judge being considered has also been involved for many years with judicial branch education.

What do you do?

The Basics of Governance in Judicial Branch Education

Explanation of Participant Activity

1.1.3.5 Examining Decisions for Necessary Strategies and Skills

Purpose of activity

This activity is dependent on the scenarios used in the previous activity, 1.1.3.4, Examining Roles and Responsibilities of Judicial Branch Educators, pg. 61, which presented a series of scenarios or dilemmas. This activity engages judicial branch educators in revisiting the actions they decided to take in those scenarios and determining the strategies and skills necessary both to make a decision and to act on that decision in a positive way, limiting damage to relationships and structures. Although this activity applies more directly to the first set of scenarios (A – F), it could also be used in analyzing decisions in the second set (G – J). This activity will not encompass the full array of strategies and skills necessary to implement and maintain shared governance responsibilities for judicial branch education; it will, however, generate discussion and reveal the subtleties and variety of many strategies and skills.

Use of activity

This activity would be effective immediately after discussing decisions made in the scenarios in the previous activity. Faculty may choose to integrate these two activities by having each small group discuss a scenario and then analyze it for necessary strategies and skills, or faculty may complete the previous activity and then engage small groups of learners in this activity based on the scenario they used in the previous activity. Faculty may refer learners to 1.1.2.3 Judicial Branch Educator Roles, pg. 38, for ideas on answers to part of this activity.

This is a small group activity

Relevant Learning Objective

5. Describe the overarching strategies and skills necessary for judicial branch educators to effectively implement and maintain shared governance responsibilities between administrative and stakeholder groups.

The Basics of Governance in Judicial Branch Education

Analyzing Decisions for Necessary Strategies and Skills

Consider your decision on a scenario and answer the following questions:

Circle the letter of the scenario are you using: A B C D E F G H I J

What were the major or key issues or dilemmas in the scenario?

What were the main considerations you applied to making a decision?

How would you define your strategy in making the decision?

How would you describe a viable strategy for implementing the decision?

List the skills and/or abilities necessary to make the decision:

List the skills and/or abilities necessary to implement it effectively:

The Basics of Governance in Judicial Branch Education

Explanation of Participant Activity

1.1.3.6 Examining Necessary Components of Stakeholder-Based Governance

Purpose of activity

This activity engages judicial branch educators in considering the relevance of various components for effective stakeholder-based governance.

Use of activity

This activity may be used as an introduction to discussing the various components necessary for effective stakeholder-based governance [see C, Developing or Enhancing Stakeholder-Based Governance for Judicial Branch Education, a – e, pgs. 16 – 26 in the curriculum design]. Judicial branch educators may answer the questions as one activity, or faculty may pose each question separately as an introduction to the relevant content in the curriculum design.

This may be an individual, a small group, or a large group activity.

Relevant Learning Objective

6. Discuss the necessary components for establishing and maintaining effective stakeholder-based governance in judicial branch education.

The Basics of Governance in Judicial Branch Education

Necessary Components of Stakeholder-Based Governance

1. Why is a mission statement or a statement of purpose important for each type or level of stakeholder-based governance?

2. Why is it important to have a defined life span for each group?

3. What is the relevance of stating the relationship to and expectations of judicial branch educators for each stakeholder group?

4. What would be the benefits of stating which groups need representation?

5. What would be the benefit of stating the preferred scope of diversity?

6. What difference might it make to state roles, terms, and replacement processes for committee membership?

7. What difference might it make to state roles, terms, and replacement processes for committee leadership?

8. Why would it matter to have clearly defined processes for meetings and meeting agendas?

The Basics of Governance in Judicial Branch Education

Explanation of Participant Activity

1.1.3.7 Describing the Local Judicial Branch Education Governance Environment

Purpose of activity

This activity focuses judicial branch educators on their own governance environment and engages them in applying what they have learned during a course based on this curriculum design. There are no right or wrong answers to this activity. Instead, the activity may serve as a commitment to action by judicial branch educators as they share their answers and listen to the answers of others.

Use of activity

This activity would be effective at or near the conclusion of a course so judicial branch educators have a comprehensive view of governance issues.

This is an individual activity.

Relevant Learning Objective

7. Describe the current local roles and relationships among administrative and stakeholder-based governance structures and judicial branch educators and identify whether and/or which improvements or enhancements could be made.

The Basics of Governance in Judicial Branch Education

The Local Judicial Branch Education Environment

Answer the following questions about your local stakeholder-based governance entity and your judicial branch education department.

Based on the descriptions provided, how would you describe the relationship between the stakeholder-based governance entity and the judicial branch education department?

- ❑ Partnership
  Full and open communication, joint planning, joint decision-making between stakeholders and judicial branch educators; judicial branch educators are viewed as educational experts and provide substantial guidance to stakeholder-based governance entities; stakeholders are viewed as vital to the success and effectiveness of judicial branch education
- ❑ Cooperation
  Close working relationship, but one group feels they are in the lead; stakeholders feel judicial branch educators are in a supportive role and are limited to participation only when invited to do so or judicial branch educators feel stakeholders are limited to an advisory role and are not involved in decision making
- ❑ Staffing
  Stakeholders feel they are the prime source of judicial branch education and judicial branch educators are expected to provide logistic and administrative services only

What is your level of satisfaction about the relationship?

- ❑ Completely satisfied – would not change it
- ❑ Very satisfied – it works well
- ❑ Satisfied – it is OK
- ❑ Somewhat unsatisfied – it could be better
- ❑ Unsatisfied – would like to change it

If you are satisfied to some degree, what is good about the relationship?

_____
_____

If you are unsatisfied to some degree, what problems do you see with the relationship?

_____
_____

The Basics of Governance in Judicial Branch Education

The Local Judicial Branch Education Environment, continued

Check components of stakeholder-based governance that are in place locally:

For each stakeholder group

- ❑ Mission or purpose statement
- ❑ Statement of life span
- ❑ Description of relationships with other groups
- ❑ Clearly stated level and parameters of authority

For stakeholder group membership

- ❑ Stated roles and responsibilities of members
- ❑ Defined relationship(s) with judicial branch education personnel
- ❑ Documented representation for groups of people
- ❑ Documented types of diversity desirable
- ❑ Defined terms and replacement process
- ❑ Clearly stated policies for awards or recognition for service

For stakeholder group leadership

- ❑ Stated role and responsibilities
- ❑ Defined term and replacement processes
- ❑ Stated succession plan
- ❑ Clearly stated policies for awards or recognition for service

For stakeholder group meetings

- ❑ Types of meetings necessary and possible
- ❑ Defined recurrence of meetings (schedule)
- ❑ General guidelines for seating (members and visitors)
- ❑ General guidelines for materials
- ❑ Guidelines for voting (including process for proxy voting)
- ❑ Template for agendas
- ❑ Guidelines for recording or documenting meetings
- ❑ Guidelines for problems that can be anticipated
- ❑ Procedures to handle unanticipated problems

What improvements or enhancements do you think would improve the stakeholder-based governance entity and/or relationship between stakeholder groups and judicial branch educators and/or the department?

_____

_____

[This page intentionally left blank for duplex printing]

NASJE CURRICULUM DESIGN

BIBLIOGRAPHY

[This page intentionally left blank for duplex printing]

The Basics of Governance in Judicial Branch Education

Bibliography and Recommended Readings

Carver, J. (2006) *Boards that make a difference*. San Francisco: Josey-Bass.

Governance definition. (n.d.) from the Institute on Governance. Retrieved August 19, 2012 from: http://iog.openconcept.ca/en/about-us/governance/governance-definition.

How to organize and manage a successful section committee. (n.d.) from the American Water Works Association. Retrieved August 20, 2012 from: http://www.mi-water.org/.../22-information.html?...24%3Aorganizing...co.. [this is a PDF, if the link does not work, put the title in your browser]

Meetings 101. (n.d.) from Effective Meetings.com. Retrieved August 20, 2012 from: http://www.effectivemeetings.com/meetingbasics/training.asp.

Robichau, R. W. (2011) *The mosaic of governance: creating a picture with definitions, theories, and debates*. Retrieved August 19, 2012 from: http://crcm.ou.edu/yearbook/content/article4.

Running effective meetings. (n.d.) from MindTools. Retrieved August 20, 2012 from: http://www.mindtools.com/CommSkll/RunningMeetings.htm.