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To the University Council:

The Dissertation Committee for Carrie Allison Brooks certifies that this is the approved version of the following dissertation:

The Institute for Faculty Excellence: A Study of the Personal and Professional  
Development of Judges

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THE INSTITUTE FOR FACULTY EXCELLENCE:  
A STUDY OF THE PERSONAL AND PROFESSIONAL DEVELOPMENT OF  
JUDGES

by

Carrie Allison Brooks

A Dissertation

Submitted in Partial Fulfillment of the

Requirements for the Degree of

Doctor of Education

Higher and Adult Education

The University of Memphis

May 2010

DEDICATION

In loving memory of my mother,

Mary Joan Hitt Goodnight

and my grandmother,

Jessie Lee Kennington Allison

## ACKNOWLEDGEMENTS

As I wrote and completed the following dissertation, I sometimes felt it was a lonely path to take. However, I was always aware of the web of support surrounding me which included family, friends, and colleagues. They were there to ground me, teach me, encourage, and love me along the way. I dedicated the dissertation to my mother and paternal grandmother who had great influence on the person I have become and what I have been able to achieve. Even without their physical presence, they have been great sources of strength throughout this process.

My academic path began in earnest at University of Mississippi when my father, Charles, and his then new bride, Billy, offered their generous support which allowed me to follow my passions, writing and art, and finish my bachelor's degree. I am forever grateful for the foundation established there which has positioned me to achieve many of my goals and dreams. My love and thanks to them.

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and encouraging words, and endured long conversations when I needed it most. My love and thanks to all of them.

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## ABSTRACT

The purpose of this study is to understand the role that participation in IFEJE played in the personal and professional development of six judges who participated in the Institute since 2001. Three perspectives of education, including the history of adult learning, continuing professional education, and judicial branch education are discussed. The theoretical perspectives that provide the foundation for IFEJE are reviewed in the literature discussion to support the need for the study.

Case study as methodology was employed to understand participants' experiences at IFEJE. Semi-structured, in-depth interviews served as the primary data source in this study. A protocol was developed to learn how IFEJE contributed to their professional development and/or their roles as a judges and growth as individuals, and how the program was different from other professional development programs they have attended. In addition to interviews, archival data including Institute evaluations compiled since 2002, the IFEJE Impact Evaluation (Younger, 2004), and emails that have been collected since 2004 were analyzed. Coding and categorizing the interview, evaluation, and email texts was the main analytic strategy used to develop themes from the data.

Two themes emerged from the analysis process: 1) community and 2) self-efficacy. The sense of connections attributed to participant experiences at IFEJE assisted them in the development of a new community of friends and colleagues, in the realm of human experiences, and in their roles as judges and teachers. The categories brought forward in the analysis process indicated that each of the IFEJE study participants felt connection to: 1) themselves; 2) other participants and faculty; 3) the theoretical material;



4) their topics/projects; 5) IFEJE locations and experiential learning opportunities (ELOs); and 6) judging and the judicial system.

Self-efficacy was the second major theme identified in this study. The following categories brought forward in the analysis process were generated from study participants' reports of self-efficacy related to: 1) conducting self assessment; 2) importance of storytelling; 3) collegial support; 4) freedom; and 5) purposefulness discovered through the processes and projects completed at the Institute.

In the process of establishing the two major themes from the data, participants described a unique culture at IFEJE. What was unusual about the culture was the requirement that all involved, including participants, faculty, and program staff, participate fully and share of themselves and that participants were held accountable for their learning by creating a project, and thus new knowledge.

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## Chapter 1: Introduction

### Do You Believe in Magic?

In October of 2005, I co-hosted a closing dinner for Phase I of the 2005-06 Institute for Faculty Excellence in Judicial Education (IFEJE). IFEJE is a national faculty development program for state judge educators and state judicial educators. In addition to the participants and faculty of that class, IFEJE alumni living in that state also were invited to celebrate with the group. As I greeted alumni coming into the bustling restaurant where we met that evening, an alumna who serves as a judge in family court came through the door. We hugged our hellos and as I chatted with this alumna, I remarked how different she looked to me since the last time we had met, nearly two years earlier. I could not figure out what was so different about her so I asked, “Is it your hair?” She grinned and replied, “My life has changed so much because of IFEJE. It’s magic”. That “magic” she used to describe her experience at IFEJE had helped her lose 100 pounds!

I had worked with the program for four years and during that time, other alumni of the program also had alluded to the unusual effect of IFEJE. When I corresponded with them via email, talked with them on the phone or in person, many often talked to me and other Institute faculty about changes in their lives post-Institute such as: finally having the confidence to take on professional projects they had dreamed about; purposefully restoring or having the courage to finally end difficult relationships; and having a renewed sense of commitment to their role as judges and more broadly, to justice. These conversations intrigued me to the point that I needed to learn more about the impact and understand it more completely.

## Statement of the Problem

When thinking about judges in the courts, the term “magic” is not one that typically comes to mind. In fact, magic is the antithesis of the public’s expectation of what goes on in the courts. Further, it is quite a departure from what judges are expected to use in statements they make publicly, either in the courtroom, in community work, or with court employees. When speaking in terms of the law and truth and justice, there is no room or tolerance for magic. However, what the Colorado judge said in a single word pulled together what I had been hearing from many other participants. There was something about the Institute that was in fact, magical, or somehow a powerful catalyst or inspiration for participants, like none they had experienced in previous educational opportunities.

As I reflected on the comments I heard from her and other graduates, I began to wonder, what is this “magic” to which they were referring? Was it really a supernatural phenomenon or just a coincidence that they had attended the Institute prior to making significant changes in their lives? Were the theoretical models or texts used in the Institute extraordinarily powerful or was it something beyond curriculum components? Was it the settings or locations we had chosen, each one different from the others, or the fact that they were away from peers and the outside scrutiny many face on a daily basis at home? Moreover, I began to wonder how the magic could be captured and articulated in a way to make it accessible to the broader community of not only judicial educators, but educators in general.

## Educational Context

Formalized programs of judicial education began in the United States in the early 1960s with the founding of the National Judicial College in Reno, Nevada and the call from Chief Justice Warren Burger for judges “to participate in continuing judicial education” (Armytage, 1996, p. 13). Since that call, judges have participated in judicial education programs provided by either judge-educators, state judicial educators, consultants who specialize in areas pertinent to court proceedings such as medicine, forensics, and technology, or a combination of any of those professionals. To understand the context in which this research is focused, it is necessary to define the following terms.

### *Definition of Terms*

**Judicial branch education:** Continuing professional education provided to judges and other court personnel to improve the personal and professional competence of all persons performing judicial branch functions thereby enhancing the performance of the judicial system as a whole (NASJE, 2009, p. 4).

**Judge:** A court officer who instructs juries, supervises trials, decides legal cases and pronounces sentences. “This definition does not distinguish the manner in which the judge comes to the bench (through election or appointment), nor the educational background required to become a judge, e.g., the completion of law school” (Gould, 2008, pp. 28-29).

**Judge-educator:** Judges who, in addition to their primary role as judge, have a specific interest in teaching judges and other court personnel in their courts or at conferences, or in other venues, such as community organizations, K-12 settings, or law schools.

Personal development: An activity that engages individuals in personal reflection to understand their life experiences, including past and current stages of development, learning style, achievements and disappointments so that they may consciously engage in further personal, educational, and career development for the purpose of achieving future goals and aspirations.

Pro se litigants: Defendants who represent themselves in a criminal or civil matter in court (NCSC, 2010).

Professional development: An activity that engages an individual in the process of acquiring and applying new knowledge and practice for the goal of becoming more effective in their work.

State judicial educator: “A judicial branch employee whose primary duty is to plan, design, and implement continuing professional education opportunities for judges and/or judicial branch employees in a particular state” (Gould, 2008, p. 30).

The court: “an official assembly for the transaction of judicial business.... a place for the administration of justice” (Merriam-Webster, 2010).

Institute for Faculty Excellence in Judicial Education: History and Design

The Institute for Faculty Excellence in Judicial Education (for the purpose of this paper, it will be referred to as either IFEJE or the Institute) was funded from 1997-2007 by the State Justice Institute (SJI) for the purpose of improving the administration of justice in state courts. It was begun at the National Council of Juvenile and Family Court Judges by Krista Johns following her service as evaluator for the Leadership Institute in Judicial Education (LIJE) at the University of Memphis in Memphis, Tennessee. In 2000, IFEJE joined the LIJE under the direction of Dr. Patricia H. Murrell at the University of



Memphis (UM) and was administered there until 2007 when grant funding ended. IFEJE was designed to educate participants about adult learning and development and to support and facilitate change, personal and professional, for participants. Participants who attended IFEJE were judge-educators, state judicial educators, and staff of national educator provider organizations. Participation required an application and referral from an Institute graduate or state judicial educator. In the application, participants were asked to describe their leadership and teaching experience, what they knew about the Institute, and a project they would like to develop and implement upon completion of the program.

The curriculum for IFEJE was a teaching and learning model that promoted *education for development*, which involved more than just teaching a particular skill or presenting new information. This kind of curriculum was meant to push learners beyond simply attaining new knowledge or learning how to do something better. It required participants to examine who they were as learners, how they learned, how they thought about the world, how they worked within the context of their personal and professional lives, how they thought about their thinking, and how they made decisions. The intention of education for development was to provide “a richer ground on which to consider issues such as selection of teaching methods, ways to lead small group discussions and technical suggestions on curriculum development” (Claxton & Murrell, 1992, p. 5). The focus was on not a “how to do” but “how to think about” the provision of education (Claxton & Murrell, 1992, p. 5).

At IFEJE, participants were introduced to three theoretical models that served as a framework to inform this transformative process of learning and thinking. The theories included David Kolb’s Experiential Learning Model (Kolb, 1984), Erik Erikson’s phases

of Adult Development (Erikson, 1997), and William Perry's Intellectual and Ethical Development Model (Perry, 1968). These theories were layered together to help participants think about where they stood in terms of their own psychosocial development and what level of cognitive functioning they had achieved at the point in their lives when they participated in the Institute, thereby helping them become more sophisticated learners (Murrell, 2006). Each of the theories will be described in detail in chapter two.

### *Phase I*

IFEJE was conducted in two phases. The first phase was five days long. During this time participants learned about the overarching theory of the Institute, David A. Kolb's Experiential Learning Model (1984). Kolb's definition of learning is, "the process whereby knowledge is created through the transformation of experience" (Kolb, 1984, p. 38). Creating new knowledge through experiences and active reflection, connecting new knowledge and experiences to past knowledge and experiences and applying it to each learner's personal and professional roles is the cornerstone for teaching and learning at IFEJE. In addition to learning and applying Kolb's theory, participants read *The Courage to Teach* (Palmer, 1998), a book that asks readers to consider the idea that who they are as people is more fundamental to good teaching than the techniques they employ.

Other topics studied during Phase I were cultural competence, passion, judicial educators as agents of change, wellness, and journal writing for personal and professional development. Participants were expected and given time to reflect on what they had learned through in-class and out-of-class activities. As part of the curriculum, participants were expected to complete a self-directed project that addressed some need in their court. This project was designed to help participants integrate what they learned at the Institute

into what they did at work and in their teaching and to contribute new knowledge and/or practice to the courts. To assist with this process, all participants were assigned a faculty mentor. During Phase I and in the interim period prior to Phase II three to four months later, participants worked with their mentors to develop their projects. Examples of completed projects include: a presentation about the use of DNA evidence in wrongful conviction cases; a program in which judges engaged clergy to help educate pro se litigants in the local community; and a program to educate judges about the problems in cases of teenage sex trafficking and potential solutions judges can offer. Participants were expected to present their projects following Kolb's Experiential Learning Model.

### *Phase II*

Phase II of the program was three days long and took place four to five months after Phase I. During this phase, participants learned about two additional theoretical models, the first of which is Erik Erikson's adult development theory (Erikson, 1997). Participants focus on the three recurring themes in adult development described by Erikson: identity, relationships<sup>1</sup> and generativity. The second theory studied, William Perry's Intellectual and Ethical Development model (Perry, 1968), offers a description of the stages through which people move as their ways of thinking become more complex from adolescence through adulthood. In addition to the theoretical models, participants are given and asked to read a second book by Parker Palmer, *Let Your Life Speak* (2000), which focuses on passion and vocation.

The theoretical models served as a foundation for the Institute. However, the main focus of Phase II was each participant's project presentation to demonstrate integration of

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<sup>1</sup> Erikson used the word intimacy to describe this phase. For the context of professional development, Institute staff made use of the term relationships to emphasize work as well as personal relationships.

the models and the Institute's teaching into their learning and teaching. Participants were given thirty minutes to present their projects. They described what they did and presented a segment of their actual projects. Participants were expected to utilize Kolb's model as a framework for their presentations at IFEJE and as an overarching model for their projects. For example, Joanne gave a self-test to measure Institute participants' knowledge about schizophrenia. The test was one Joanne planned to use in a two-day program about mental health issues often presented in the court. After administering the test and facilitating a short discussion, Joanne presented and outlined how the two-day program would be executed. Upon completion of the Institute, it was expected that participants would make use of their projects for the improvement of their courts or other state courts and report them on line or in print.

#### *Experiential Learning Opportunities*

In Phase I and Phase II, participants and faculty also were engaged in experiential learning opportunities (ELOs). The term ELO was used to describe concrete experiences offered through the Institute that went beyond a field trip, viewing of a film, or tour of a museum, and aimed to promote personal transformation and change. ELOs at IFEJE transcended the basic concept of a field trip or museum tour because in addition to the concrete experience, participants engaged in a structured, intentional reflective process afterwards to discuss their experiences and relate them to the Institute teachings and their own life or work. ELOs at IFEJE applied Kolb's (1984) experiential learning model. They were curriculum events chosen because they represent the local culture and/or relate to the curriculum in a unique way. Specifically, ELOs: 1) integrate the experiential learning model into participants' thinking; 2) help participants learn how to incorporate

experiential learning opportunities into their teaching endeavors; and 3) take in the local context in which the Institute is offered.

One example of an ELO is a trip taken by faculty and participants to Oxford, Mississippi. To prepare for this ELO, all members of the group read the short story, “Barn Burning” by William Faulkner prior to their arrival at Phase II. In Oxford, the group visited Faulkner’s home, Rowan Oak, took a Civil Rights tour of the University of Mississippi (UM) guided by a retired UM professor of English, and participated in a presentation by the director of the University’s William Winter Institute for Racial Reconciliation. The ELO culminated in an on-site group discussion, an opportunity for structured reflection where participants discussed their learning and experiences. One of the Institute faculty served as facilitator and used Kolb’s Experiential Learning Model (Kolb, 1984) as a framework for the discussion, asking the following questions: 1) What did you see/experience? 2) What are your reactions or feelings about your experience? 3) What did you learn: principles, theories, hypotheses? and 4) What will you do differently as a result of your experience and learning?

#### Purpose of the Study and Research Questions

The content and process used in the Institute were designed to facilitate learning and moreover, personal and professional development. Personal development results from the informal and/or formal process of individuals’ 1) deliberate introspection about who they are and in what context they find themselves; 2) clear recognition about what has and has not worked for them in their private and public lives; 3) seeking out fresh perspectives, either from written materials or other media or interaction with individuals or groups; and 4) utilization of this new knowledge about themselves and the world so

that they may set and achieve personal, educational, and professional goals for their future. Professional development results from the informal and/or formal process of individuals' 1) conscious engagement in reflection about who they are within the context of their profession; 2) clear recognition about what is most valuable to them as a practitioner in their profession; 3) acquiring new knowledge and practices, either from written materials or other media or interaction with individuals or groups; and 4) application of this new knowledge for the goal of becoming more effective in their work. The purpose of this study is to understand the role that participation in IFEJE played in the personal and professional development of six judges who participated in the Institute since 2001.

Four research questions guided this study:

1. How did participation in IFEJE affect the personal development of judges?
2. How did participation in IFEJE affect the professional development of judges?
3. How have judges changed since participation in IFEJE?
4. To what factors do judges attribute the change?

The first two questions have to do with participation in the Institute and how it affected the judges as people and in their professional roles in and outside the courts. Participation in IFEJE included: 1) attending Phase I and Phase II of the Institute; 2) working with a mentor in both phases and the period in between to develop and complete a self-selected project; 3) reading two textbooks, two literature pieces and relevant articles; 4) writing reflections about their learning in a journal; 5) taking part in every topic session of the Institute, the experiential learning opportunities (ELOs), and meals

with other members of the group; and 6) presenting their project in Phase II. Details about the context of participation are elaborated in chapter four.

The third question addressed personal and professional changes made by judges since participating in the Institute. Acknowledgement of personal development would include a perception that post-Institute judges believed they were able to understand their past and current stages of development and learning styles and apply this understanding to decisions and behavior related to their continued personal, educational, and career development. The Institute's effect on judges' professional development due to their participation would include a perception that post-Institute, judges believed they had become more effective in their work as a result of the information and practices they experienced at the Institute.

The fourth question required assessment of specific experiences and accounts reported by judges which illuminated different aspects of the Institute's curriculum and how that impacted their application of the experiences and new knowledge post-Institute in either their personal or professional lives. Factors relating to change could have included: location of the Institute; curriculum; relationships developed with colleagues, faculty, and/or mentors; research, development and completion of their project; time and space offered for reflection and discussion about learning; particular topic sessions; experiential learning opportunities (ELOs); social time with other members of the group; and the process of presenting their projects to colleagues.

#### Study Significance and Rationale

In 2010, there is almost no limit to the number of continuing professional education providers. A recent Google search resulted in nearly 200 million sites

containing the phrases “professional development”. For the phrase “continuing professional education”, there were nearly 13,000,000 sites. The same search of the Education Resources Information Center (ERIC) database, an electronic index with links to journal articles, books, theses, curricula, conference papers, standards and guidelines related to education yielded over 48,000 materials containing these phrases. Most, if not all, professions require or offer some type of continuing education for their constituents, usually through professional organizations or employers, but also through degree and continuing education programs at colleges and universities.

Corporations, non-profit organizations, government agencies, and educational institutions invest tremendous amounts of funds and resources to provide continuing education for their employees or membership. From their investment, organizations expect a return in terms of productivity, service, and/or research. In nonprofit organizations and government agencies where resources are typically limited, the investment made in education and the outcomes realized are especially critical. The courts are a prime example of such organizations that must maximize the outlay of limited funds in their effort to promote the development of individuals within that system and the improvement of the system as a whole.

Judicial branch education is a relatively new, emerging field of professional education, with its providers making up a small and specific group of continuing education providers. These providers work with court personnel, ranging from judges to clerical workers, to educate them about issues related to the courts and their constituents, to further develop the court’s capacity for dealing with judicial matters as well as logistics, access, caseload management, security and other concerns of the court as a



system. Because this field is new, there has been little research done to look at whether professional development for the courts, and for the purpose of this study, judges, has been effective. In addition, the judge's role only grows more complex due to advances in technology, science and medicine, economics and globalization, court security, and issues concerning immigration, family, and elder law. The scale and speed at which changes are occurring in society indicates a critical need for quality education programs that will result in judges not only learning new information, but also growing and developing in ways that will allow them to meet challenges ahead. The purpose of this study was to examine whether the Institute provided education that assisted judges in their development. To produce high-quality programs, more research is needed to increase knowledge about what is and is not working well in judicial branch education programs.

#### Residency Project

In 2008, I completed a residency project for the doctoral program that provided an opportunity to pilot this proposed study. In the pilot, I interviewed four judges utilizing a protocol and research questions similar to the one used for the dissertation. In this inaugural study, two themes came forth: 1) Judges Find a Safe Place; and 2) Judges Raise the Bar for Traditional Judicial Education (Allison Brooks, Mullins Nelson, & Murrell, in press). To further the understanding of the personal and professional development of judges, a new study was proposed.

#### Dissertation Study

The dissertation study differs from the residency project previously conducted in that it is more in-depth, there are more participants, and the participants' experiences span nearly 10 years since participation. The 10 interview questions asked in this study

were more fully developed and included probes for almost all of the questions. Also, the questions were more structured and expanded to include those who served as faculty.

Over 150 individuals have completed IFEJE and the self-directed project required since it began in 1997. After completing the program, many participants discussed personal and professional changes through their evaluations, emails, and casual conversations with IFEJE staff. To effectively portray participants' experiences and their perceptions of their own development post-IFEJE, a qualitative study was designed to build on the residency project. Interviews were the primary method for collecting data in this study. In addition, material culture or "written texts and cultural artifacts" (Denzin & Lincoln, 2003, p. 50) were examined to explore the program's impact on participants. Items included were: Institute evaluations; the 2004 IFEJE Impact Evaluation (Younger, 2004); and emails collected since 2004.

Because I was interested in developing an in-depth interpretation and understanding of how IFEJE participants understood their experience, I conducted extreme case sampling (Patton, 2002) to identify a small but diverse sample of participants. The group of individuals selected for interviews were identified because I believed I could learn the most from them and that they would provide "information-rich" (Patton, 2002, p. 230) responses to the questions in the protocol. Because there is limited research on the type of curriculum the Institute provides and whether it can affect change, an in-depth approach to explain its effect was appropriate.

Although a qualitative study such as the one proposed is appropriate, there are limitations for this type of study. The methodology used enabled participants to describe interpretations of their experiences based on their memory of events that may have

occurred one to five years prior to the interview. These participants had time to reflect upon, talk with others about, and layer new experiences on the experiences they had at the Institute. This created the potential that their perceptions at the time of the interview would not provide an accurate portrayal of their Institute experience. To minimize this limitation I triangulated the interviews with other data, such as evaluations completed by participants post-Institute each year and the Impact Evaluation (Younger, 2004). Triangulating data offers trustworthiness and academic rigor in the study and its findings.

### Organization of the Study

Chapter 1 has introduced the context and background for the study, including the purpose and research questions, historical context, definition of terms used, components of the Institute such as the timeline and theoretical models used, and summary of the pilot study done prior to this research.

Chapter 2 includes a literature review to assist the reader with further understanding of 1) the context of continuing professional education in general; 2) judicial education and its history; and 3) the theoretical models that provide the foundation for the Institute.

Chapter 3 contains a description of the methodology used for the study and a literature-based rationale for its use. It also describes the researcher's assumptions and subjectivities and how they potentially impact the study and findings, data collection methods, and analytical strategy.

In chapter 4, an in-depth description of the case, IFEJE, is presented.

Chapter 5 contains findings from the interviews and other data are presented. Chapter 6 contains a discussion about conclusions from the study, implications for judicial

education and more broadly, continuing professional education. It also contains recommendations for further research.

## Chapter 2: Literature Review

This chapter presents a review of the literature focusing on three relevant areas. First, three perspectives of education, including the history of adult learning, continuing professional education, and judicial branch education are reviewed. Second, literature pertinent to the theoretical perspectives that provided the foundation for the Institute for Faculty Excellence in Judicial Education (IFEJE), the program that is the focus of this study, are presented. This examination of relevant literature establishes a rationale for the study.

### Historical Perspective on Adult Learning

In the 20<sup>th</sup> century, rapid transformation of the American population and economy triggered changes in the workplace, family, and the nation's global position. These changes generated the need for and subsequent development of educational institutions in the United States. In the early part of the century, secondary school education was still a privilege for most Americans (Thelin, 2004). However, as the century unfolded, the establishment of colleges rapidly became more prevalent. Degree programs began to include not only liberal arts and religious curricula, but teacher training and agricultural programs. "Between World War I and World War II, enrollment in colleges and universities increased more than fivefold," (Thelin, 2004, p. 205). With the increase in enrollment came more diversity, and in 1937 *Life* magazine (as cited in Thelin, 2004) reported that 80% of higher education institutions were enrolling women. At the same time, philanthropies, religious institutions, and states were investing \$2 billion in additions to existing campuses and in the establishment of new college facilities. This

development, according to Thelin (2004), signaled a significant endorsement for the higher education system and its future in America.

In 1944, the Servicemembers' Readjustment Act, commonly known as the GI Bill, was instated, prompting a “quantitative” change that was the catalyst for a significant “qualitative change in the structure and culture of the American campus” (Thelin, 2004, p. 265). This bill allowed service men and women returning from World War II to afford a college education, which created a huge influx of students at colleges and universities. In 1946, further federal interest in the higher education system was made clear when President Harry Truman created the Commission on Higher Education, charging the commission with looking at the “functions of higher education,” expanding access, the curriculae, and the “financial structure” and “physical facilities” (p. 268). Truman’s inquiry and resulting reports set in motion the role that the federal government would have in higher education for the future. It signaled the importance placed on education beyond secondary school and created a foundation for what it means to be a professional in American society today.

These events related to higher education created a foundation in the American educational system that serves as the basis for today’s emphasis on adult learning. In a matter of decades, the nation went from having a population that was mostly uneducated to one that viewed education as the means to acquire opportunity and advancement in the world. As Belanger (1996) observed, it “is no longer whether adult learning is needed, and how important it is. The issue today is how to respond to this increasing and diversified demand, how to manage this explosion” (p. 21). Three areas have been

identified as dramatically affecting the environment of adult learning: “demographics, the global economy, and technology” (Merriam & Caffarella, 1999, p. 6).

Demographic changes in the relatively short history of the U.S. have been clearly remarkable. One example of the demographic shift is that only half of the country’s population was comprised of adults in colonial times, but by 1990, adults made up 75% of the population (Merriam & Caffarella, 1999). What is important to note about this shift in regard to education is the political and financial power wielded by these adults.

In addition to the sheer number of adults seeking education, in 1964 the Civil Rights Act, along with Title VI and Title VII in 1965, were legislated to enforce the ban on discrimination in public and private institutions of higher education and workplaces. These pieces of legislation promoted the dramatic rise in diversity on campuses and therefore, in the workplace in the last half of the 20<sup>th</sup> century. These regulations are viewed as the “birth of affirmative action on public policy” (Rhoads, Saenz, & Carducci, 2004, p. 198) and have had a significant impact on the education of adults and continuing professional education programs. Further,

Since 1970, the foreign-born population of the United States has increased rapidly due to large-scale immigration, primarily from Latin America and Asia. The foreign-born population rose from 9.6 million in 1970 to 25.8 million in 1997. As a percentage of the total population, the foreign-born population increased from 4.7 percent in 1970 to an estimated 9.7 percent in 1997. (Historical Census Statistics on the Foreign-Born Population of the United States, 2007)

The transformation of the economic system from that of a lone national market in the early part of the 20<sup>th</sup> century to that of one with global impact in the early 21<sup>st</sup> century also impacted the nature of adult education. Education has been a stimulus for change not only in the way that business is carried out, but in the way that it promotes a need to excel to a degree that is often difficult to conceive. This need for excellence and success in the

marketplace sets up a requirement, as well as the desire, for continuing education, particularly as it relates to work and economic improvement.

To be competitive in a liberalized, deregulated, privatised and globalizing market, every company is obliged, so the theory goes, to adopt a strategy of reducing costs and improving the quality and range of its goods and services... One of the most efficient options open to companies for achieving the goal is that of making “aggressive and intelligent use of human resources.” (Merriam & Caffarella, 1999, p. 11)

The impact of business upon adult and continuing professional education has been tremendous, extending not only to the content offered, but to the delivery methods. This impact has contributed to creating a consumer attitude toward and about education.

In addition to the change in scope of the economic market, the nation has gone from an industrial and service society to an information society, creating greater needs for education and acquisition of new concepts and information. The shift to an information society has accelerated the development and use of technology in the workplace. Technology has thus created a reason and means for education; it has transformed the “nature of adult learning” (Merriam & Caffarella, 1999, p. 17).

Demographics, globalization of the economy and global access for the citizenry, as well as technology are significant changes that have occurred in just a few decades to create a tremendous need for increased and varied approaches to education for adults.

#### Historical Perspective on Continuing Professional Education

Cervero (2000) cited “professionalization of their workforces” (p. 1) as a core theme in 20<sup>th</sup> century American culture. This has been due in part to the fact that “public criticism of the professions became increasingly vocal throughout the western world during the 1960s” (Armytage, 1996, p. 5). Today, with mass media coverage about every business, government, and educational blunder or controversy, there is even more



scrutiny from the public and less confidence in these industries to conduct their business in a professional, and of greatest concern, ethical, manner. In addition to scrutiny, professions often are portrayed in the media in an unrealistic way and less than positive light. Americans tend to get their information about what professionals do and how business is carried out from extremely popular shows like *Law and Order*, *CSI: NY*, *Judge Judy*, and *Grey's Anatomy*.

In 2000, Cervero citing Nowlen, observed that continuing professional education (CPE) programs were, “dominated by the informational update” (p. 1), presented for large groups of people within a conference setting lasting one to three days. According to Cervero (2000), little has changed. By the end of the 1990s, continuing professional education programs still featured large groups of professionals sitting in large ballrooms, listening to one speaker with all the knowledge and expertise. These settings concentrate mostly on providing substantive content and offer participants few opportunities to apply the content offered to their specific work situation. The reward for participants in this environment is a professionally designed notebook full of information that likely never will be reviewed again once it is placed on the owners’ bookshelves in their offices.

In addition to the setting and content of professional education, the choice of who provides it also can be problematic. CPE is typically “offered by a group of pluralistic providers that have no relationship to one another” (Cervero, 2000, p. 4). Providers can include consultants, private and government employers, universities, and educational institutions that are specifically for a profession such as the judicial branch. All of these providers have different investments at stake in the provision of such education. Cervero (2000) cites four trends in the 1990s that illuminate this notion:

1. The workplace is the dominant provider of CPE and in 1996 employers spent \$60 billion to educate their employees.
2. Universities and professional organizations follow employers as top CPE providers, many offering distance education as a means for transmittal, with some providing certificate programs to assist professionals in meeting mandated certification requirements in the fields in which they work and practice.
3. University and workplace collaborative partnerships are on the rise as well as the use of consultants.
4. CPE is being used to regulate professional practice. (pp. 5-7)

Cervero (2000) went further to describe what he saw as “three critical issues that must be addressed” (p. 4) for the improvement of CPE. He said that we must first identify the “So what?” to understand what problem CPE is trying to solve and the curriculum that needs to be implemented. Further, is it simply the update of information or is there something more? Addressing this question long before Cervero’s study, Schon (1987) wrote,

There is a high, hard ground overlooking a swamp. On the high ground, manageable problems lend themselves to solution through the application of research-based theory and technique. In the swampy lowland, messy confusing problems defy technical solution. The irony of this situation is that the problems of the high ground tend to be relatively unimportant to individuals or society at large, however great their technical interest may be, while in the swamp lie the problems of greatest human concern. (p. 3)

Twenty years later, this is still a dilemma in CPE: what is it that we propose to teach and to what end?

The second issue Cervero (2000) identified is the question of who benefits from CPE? Who are the stakeholders? Is it the professional, the employer, the public, or the provider? The hope would seem to be all of the above. However, that is not true in all cases because there are many reasons education is offered and pursued, including mandatory education requirements within a profession, trips to desirable locations, the desire to retain employees, and the need to address specific societal problems.

The third issue for Cervero was the question of who should provide the education? The answer for this question can be driven by political forces, legislation, and economics, and is made problematic when there is a question of who will actually make the decisions about curriculum, budget, and overall agenda. These last two issues are two vexing forces that press on the curriculum.

### Judicial Branch Education

Upon hearing the term, judicial branch education, many will ask, “Does that have to do with lawyers? The legal profession?” Many people are not aware that judges have the opportunity or desire to be educated after they have won an appointment or election to the bench. The public’s view of judges often is that they know everything (or at least they should) and no longer have the need for continuing education. That idea could not be further from reality. While formal education, such as advanced degrees in law, and years of experience in a legal or other profession might be strong preparation for the role of judging, it in no way produces a “finished” (Murrell, 2006, p. 1) professional product that presents a judge with all the answers to the complex issues that are brought forth daily in the courtroom.

Continuing judicial branch education was initially introduced in the United States in 1963 “as a means to assist judges to enhance performance” (Armytage, 1996, p. 3). The timing of this introduction is interesting in light of the earlier discussion about the dramatic changes in the country’s demographics, economy, and technological advances. As these impacted education in general, certainly the courts felt the influence of the revolutions occurring at that time in history. In fact, the court was the change agent enforcing many of the shifts, such as the Civil Rights Act legislated in 1964.

In 1975, the National Association of State Judicial Educators (NASJE, 2007) was formed. It is a professional organization dedicated to providing professional education for state judicial educators, some of whom are judge-educators, developing standard CPE for state judges, and providing resources and a forum for research and development pertinent to judicial branch education (National Association of State Judicial Educators, 2007). This is one of only a few organizations in the nation established within the last 40 years that makes an effort to provide education specifically for judge-educators and state judicial educators.

Four other programs, including IFEJE, related to judicial education begun more recently were: the Judicial Education/Adult Education Project (JEAEP); the Judicial Education Reference, Information and Technical Transfer (JERITT); the Leadership Institute in Judicial Education (LIJE); and IFEJE. JEAEP was housed at the University of Georgia, and was a program designed to assist judicial educators with information and consultation on teaching and research related to continuing professional education (Tallman, Boothman, Keith, & Reaves, 1992). JERITT is housed at Michigan State University and serves as a national clearinghouse for information on continuing judicial branch education for judges, judicial officers, administrators and other court personnel (Judicial Education Reference, Information and Technical Transfer, 2009). LIJE was founded at the University of Memphis in 1989. It moved to Appalachian State University in 1990, and returned to the University of Memphis in 1993 where it provided a leadership development program for teams of judges, judicial educators, and other court personnel until 2008 and continues to offer leadership and scholarship on education for development. From 2000 to 2007, IFEJE also was located at the University of Memphis

as a faculty and leadership development program for individual judges, judicial educators, and other court personnel. Even though the history of judicial branch education is brief in the broader field of CPE and of judging itself, the need for these programs is significant because of the complex role that judges and courts play in society.

### The Context of Judging and Judicial Education

Serving in the third branch of government, judges have historically enjoyed independence and have made judgments, for the most part, with few questions and only little interference from the public. However, in recent years, they have come under more intense scrutiny from the public. Armytage (1996) describes this as a “predictable part of refining the role of the judiciary in society” (p. 4). He goes further to say that professionalization is an essential part of this process and is necessary for the judiciary to “demonstrate its competence while preserving the integrity of its independence” (p. 4). Judicial competence, accountability, and character all are being examined today to determine the viability of the court system and whether judges will withstand the scrutiny placed upon them. Education is seen by many as the way to strengthen all of these issues and make judges and the system test worthy to continue in the future.

In his study entitled *Educating Judges*, Armytage (1996) raised some of the same questions as Cervero did about CPE in general. However, he added a specific question for this profession, which was, “What makes a good judge?” (p. 4). “The world of judging has some special features that are not characteristic of other professions” (Claxton, 1992, p. 11). What judges do in their jobs can have great impact on many citizens in their community and, depending on their jurisdiction, on society at large. They have a tremendous amount of responsibility that rests on their shoulders alone. They deal with a

complexity of issues daily, about which they are supposed to have expert knowledge. Complicating matters further are the “rapid social changes, explosion of research-based knowledge, and technological innovations” (Cervero, 2000, p. 4). So how can judges receive the kind of education that supports the kind of difficult work they do and environment in which they work? Claxton (1992), said that “judging and adult education must find a common ground, one in which each learns from the other” and that “judicial education programs can be the bridge between these two fields” (p. 14).

Armytage (1996) recognized “a need for a distinctive approach to continuing education of judges” (p. 3) as well as “distinctive characteristics of judges as learners” (p. 149). He stated three reasons for these distinctions. First, judges are public servants employed and retained in ways different from the general public. Some are appointed and some are elected. Some serve short- and some serve long-term appointments. Their long-term job security and promotional opportunity may depend on the political arena in which they are employed and over which they have no control or have much control. Second, he cited their “preferred learning styles and practices” (p. 149) as another reason for education that is in need of a different approach. He observes, “Judges are generally autonomous, entirely self-directed, and exhibit an intensely short-term problem-orientation in their preferred learning practices” (Armytage, 1996, p. 149). Last, he cited the constraints of their jobs as well as the influence of their position as a reason for a unique approach to their education. Because of the very nature of judges’ jobs and positions within society, and the need for the preservation of judicial independence, judicial education must be seen as free of any sort of “indoctrination” (Armytage, 1996, p. 150) and the educational experience itself must be seen as a democratic process which

allows independent thinking and learning so that judges can trust the content and process offered.

Armytage (1996) described three categories that address judges' educational needs:

- 1.) Content: This includes topics in the law and procedure, judging skills such as case-load management, "personnel, conduct and ethics" such as bias.
- 2.) Level of application or judge: To include new, mid-level or senior judges, topics that update judges with new information, and specialty areas of law and courts.
- 3.) Manner of delivery: Providing self-directed learning opportunities, particularly for substantive law topics such as "bench books, digests, reports, and appeal decisions, group learning formats at conferences to promote professional interactions and relationships." (pp. 100-101)

In addition to providing a distinct approach when teaching judges, it is also important to understand how education can support judges in their unique and difficult role that enables them to deal with the paradox and ambiguity they encounter frequently in their jobs. "The most difficult task judges face is not in deciding when there is solid and clear evidence on one side or the other. The frustrating ones are those in which the arguments on each side of the issue are compelling." (Claxton & Murrell, 1992).

To unite the unique constituency of judges with education that supports their needs, Claxton (1992) went further to outline seven characteristics of good judicial education programs, which include: 1) a clear and compelling purpose; 2) helping judges think in qualitatively richer ways; 3) helping participants become more competent; 4) promoting active learning; 5) adequate resources; 6) sound, integrated curriculum; and 7) commitment and support of administrative leadership.

This need for a distinctive approach in judicial education programs leads to discussion in the next section of the theoretical material utilized in the judicial education program called the Institute for Faculty Excellence in Judicial Education.

#### Theoretical Perspectives of the Institute for Faculty Excellence in Judicial Education

In 1970, Alvin Toffler published the book, *Future Shock*, which described the extraordinary rate of change society would face in the near future. As he described how society might cope with such change, he also described the type of learner that would survive within an ever-changing economic, technological, and cultural environment. He said that the illiterate of the 21<sup>st</sup> century will not be those who cannot read and write, but those who cannot learn, unlearn, and relearn (Toffler, 1970).

IFEJE is a program focused on developing teachers who will support the kind of learning and learners to which Toffler refers. As introduced in chapter one, IFEJE is grounded in David A. Kolb's Experiential Learning Model (1984). Two other major theoretical models used in the Institute are Erik Erikson's Adult Development (Erikson, 1997) theory and William Perry's Intellectual and Ethical Development Scheme (Perry, 1968). In addition, Parker Palmer's writings about teaching provided inspiration to faculty and participants and his core statement, "you teach who you are," guided the program's rationale for reflection and discernment in this professional setting. Following are descriptions of these theories and Palmer's philosophy that serve as the foundation for the Institute.

#### *David A. Kolb's Experiential Learning Theory*

In addition to Kolb's definition stated earlier that learning is, "the process whereby knowledge is created through the transformation of experience" (Kolb, 1984, p.



38), he asserts four important characteristics of the learning process which include: 1) “emphasis on the process of learning and adaptation as opposed to content or outcomes”; 2) “that knowledge is a transformation process, being continuously created and recreated, not an independent entity to be acquired or transmitted”; 3) that “learning transforms experience in both its objective and subjective forms”; and 4) “to understand learning, we must understand the nature of knowledge” (Kolb, 1984, p. 38). These characteristics lay the groundwork for teaching and learning and envision the atmosphere Toffler alluded to as being critical for the survival of teachers, learners, and indeed, citizens in the future.

Kolb (1984) identified his model as “experiential” to differentiate it from previously developed “rationalist and other cognitive theories of learning” and “behavioral learning theories” (p. 20). These theories focused on the acquisition of knowledge and information and did not take into account that past experiences contributed to an individual’s new learning experiences. Kolb (1984) extended Kurt Lewin’s “Model of Action Research and Laboratory Training” (p. 21), John Dewey’s Model of Learning (p. 22), and “Piaget’s Model of Learning and Cognitive Development” (p. 23), and developed his Experiential Learning Model seen in Figure 1.

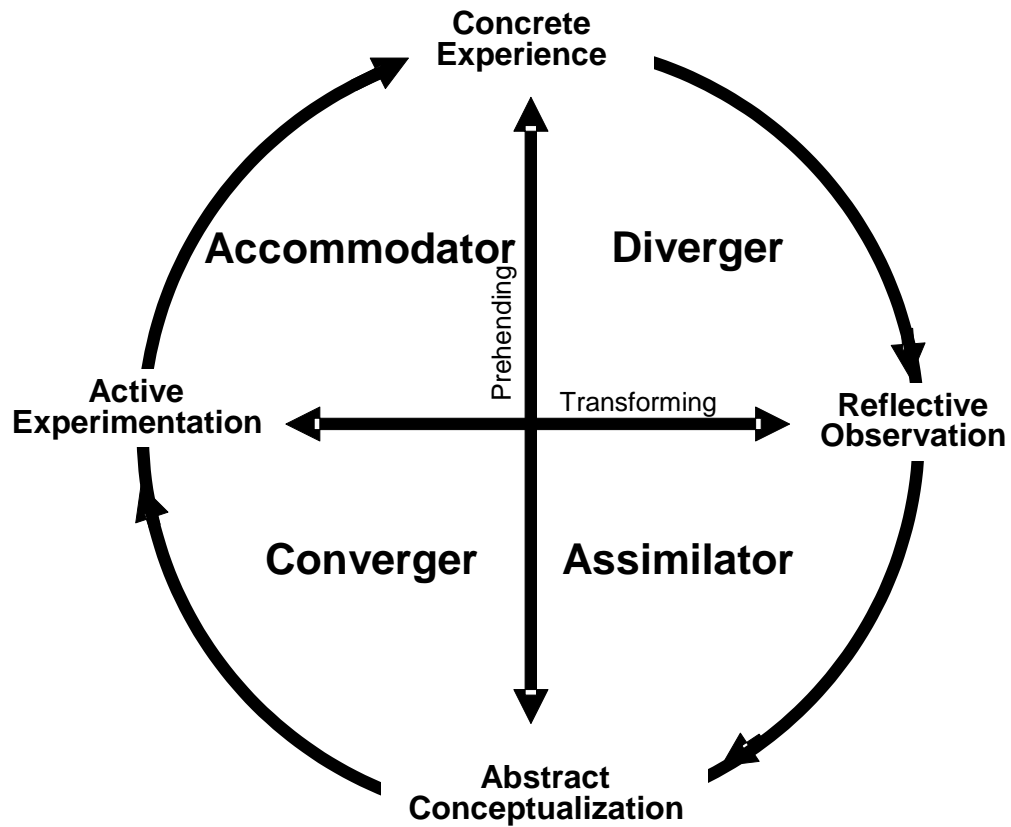


Figure 1. Kolb David A.; *Experiential Learning: Experience as a Source of Learning & Development*; © 1984. Reprinted with the permission of Pearson Education, Inc., Upper Saddle River, NJ.

Kolb's theory links to these theorists who connected learning with prior experience and who stressed the importance of experience in the learning process. However, earlier philosophies about learning differed from Kolb's in that they made knowledge separate from the learner and took learners and their past experiences out of the learning equation. Kolb (1984) conceived that in order for learning to occur, a person's "experience, perception, cognition, and behavior" had to be integrated.

The Experiential Learning Model (1984) uses a circle as its keystone and provides a framework that describes learners' preferences for taking in and processing information. It takes into account the experiences and expectations the participants bring to the classroom, workplace, and home, that is, wherever the learner might encounter a learning situation.

Kolb (1984) separates learning into two dimensions: prehending, the vertical line seen in Figure 1; and transforming, the horizontal line seen in Figure 1. The prehending dimension is made up of a concrete-abstract continuum and describes how a person takes in information; the transforming dimension is made up of a reflective-active continuum and describes how a person processes information (Murrell, 2006, p. 488). According to the model, the learner must engage in both of these dimensions for learning to take place. From this sequence of dealing with information, learners can make meaning of their experience.

The circle connects the vertical and horizontal lines to illustrate what Kolb describes as a four-step learning process or going "around the circle" (Johns, 2001, p. 19). This process begins with the *concrete experience* mode where learners are engaged in a personal way. In this mode, learners are engaged subjectively and involved with "here and now" data (Murrell, 2006). Examples of concrete teaching experiences include: having learners view a film that evokes emotion; taking learners on a tour of a historical site; reviewing case studies; asking learners to take self-tests; having learners read literature or poetry; and/or listening to personal stories. These kinds of experiences arouse the learners' interest and emotions, which connects them in a personal way.

Further, concrete experiences are cumulative for the learner and new experiences add to experiences they have already had, either in or out of the classroom.

From this mode, Kolb says that learners move to *reflective observation*, where they reflect on their own observations about the concrete experience in which they have been engaged. In this mode, they are able to reflect on the information or experience and decipher what it means to them. Examples of reflective observation teaching activities include: having learners write in a journal; conducting small, structured group discussions; asking learners to formulate questions; and asking the learners to relate their past learning experiences to the concrete experience. In this mode, learners are sorting through the new and old experiences to build new knowledge and form new perspectives.

After learners engage in reflective observation, they employ the third mode, *abstract conceptualization*, so that they may connect their previous understandings into what they know as a sort of updated personal knowledge. As opposed to concrete experience, learners in this mode are engaged objectively and involved in there and then data (Murrell, 2006). Examples of abstract conceptualization teaching activities are having learners read non-fiction books or scholarly articles; viewing documentaries with learners; and asking learners to think about what they learned from the concrete experience and reflection, and identify what they believe to be their newly created knowledge. In this mode, learners have created a new knowledge base for themselves from which they will build further when they encounter a new learning situation.

Last, these connections made by working around Kolb's circle feed the last mode, *active experimentation*, to allow learners an opportunity to engage in application. In this mode learners decide how the information learned is useful to them and how they might

apply it in the future. They may formally develop a plan of action in which they will apply their new learning. Once the cycle is complete, learners will be able to encounter new learning experiences with an increased capacity for learning. “This emphasis represents a departure from much formal education, where the emphasis is almost exclusively on taking in information, with little attention to the learner’s responsibility for transformation and meaning making” (Murrell, 2006, p. 488). At the Institute, every activity was designed to go around Kolb’s circle and allow learners to increase their knowledge and capacity for learning over and over.

The use of Kolb’s model at IFEJE sets the stage for exploring the two other theoretical bases of the curriculum, adult life cycle and cognitive development, and the other topics included in the curriculum. The model requires each participant to consider how he or she learns and then how to apply that to teaching or leadership. The first of the two additional theories explored at the Institute is Erik Erikson’s recurring themes in adult development.

#### *Erik Erikson’s Recurring Themes in Adulthood*

In 1963, Erikson wrote *Childhood and Society*, and proposed his psychosocial development theory that included eight phases of human life span development. In his theory, phases or tasks to be achieved during infants’ and children’s development were outlined. In 1970, Erikson inspired the “Conference on the Adult” because he wanted to focus on the question, “What is an adult?” (Hoare, 2002, p. 24), because he believed there had been too little attention given to development in adulthood. At the Institute, the three themes described by Erikson as occurring in adolescent and adult development- identity, relationships, and generativity- are explored and applied.

The first of the three recurring themes of adulthood in Erikson's theory is identity, the search for which begins in adolescence and continues through adulthood (Erikson, 1997). According to Chickering and Havighurst (1981), an individual's need for identity ascends in adolescence. In this phase, values, personal integrity and respect, and vocation are considered and identified. If the task (Chickering & Havighurst, 1981, p. 18) of identity is resolved during this time, the strength that evolves is "fidelity" (Erikson, 1997, pp. 32-33). If it is not resolved, the psychological crisis that remains is "identity confusion" (Erikson, 1997, pp. 32-33).

If the task of identity is resolved during adolescent years, the second task of relationships comes to the fore. In this second phase, interpersonal relations, a person's place in community, and love are explored and considered. If the task of relationships is successfully completed, the strength of "love" (Erikson, 1997, pp. 32-33) evolves. If it is not completed, the psychological crisis of "isolation" (Erikson, 1997, pp. 32-33) remains.

If the individual then resolves the task of relationships, the third task, generativity, comes to the fore and the individual works to master that psychosocial task or phase, the final recurring theme in adulthood described by Erikson. In this stage, individuals are introspective and reflective, thinking about what they have done in their lives, personally and professionally, and considering what they might have to give back in terms of their knowledge and experience. If the task of generativity is resolved, the strength of "care" (Erikson, 1997, pp. 32-33) evolves. If it is not completed, the psychosocial crisis of "stagnation" (Erikson, 1997, pp. 32-33) remains.

Individuals reside within or develop beyond these phases depending on their ability to cope with psychosocial crises. An example of a psychosocial crisis in adulthood

might be the loss of a spouse or a new job. Following psychological or social achievement or failure during these crises or life events are consequences at each stage of development that allow a person to move forward or keep them returning to that phase to resolve it throughout their life or until it is settled for that individual. These themes recur throughout the life cycle.

Judges can identify with Erikson's three themes of adulthood based on their personal and professional experiences with their colleagues and other individuals.

Erikson's work regarding identity, relationships, and generativity are represented in each encounter they have with court employees, attorneys, jurors, plaintiffs, litigants and others who come into the courtroom.

#### *William Perry's Scheme of Intellectual and Ethical Development*

The third theoretical model used at IFEJE is William Perry's Scheme of Intellectual and Ethical Development (Perry, 1968). This perspective differs from the two outlined previously in that it offers a description of the stages through which people move as their ways of thinking become more complex from adolescence through adulthood.

In the first stage, *dualism*, the individual sees the world as offering two options: right or wrong. The locus of control is external and authority figures, such as teachers, the law, bosses, and for some, God, hold the answers and are not questioned. In this stage, the learner is not comfortable with ambiguity and will ask a teacher when seeking clarity about an assignment, "What do I have to do to make an A?" In this stage, responsibility is external and the learner finds self-reflective activities difficult. A learner can begin to progress from this stage when he or she is able to see that there are many authorities that offer different perspectives and answers and that there is not always one right answer.

In the next stage, *multiplicity*, individuals see more perspectives such as right, wrong, and “not yet known” (Moore, 1994, p. 48), but are reluctant to take responsibility for any one choice. In this stage, learners view knowledge in more quantitative terms and do not yet value the qualitative nature of it.

In the third stage, *contextual relativism*, real change begins to occur. This stage is the most dramatic because the locus of control shifts from external to internal. Individuals in this stage recognize the value of the context of knowledge and information and are capable of analyzing the merits of each within multiple contexts. The capacity for empathy is present and the person is able to take responsibility for their own decisions.

The final stage, *commitment in relativism*, symbolizes a person’s intellectual capacity for making important or difficult decisions without having all the information available to them. At this stage, the individual can commit to an idea or situation and understand that they will never have all the answers. People can see the evolutionary circumstance of decision-making and conclude, “I see that I shall be tracing this whole journey over and over, but each time, I hope, more wisely” (Perry, 1968).

Perry’s model also resonates with judges’ experiences with individuals in the courts and their ability – or lack of ability – to think and understand the complex nature of themselves in the world and how their behavioral responses to situations in which they find themselves may complicate the situation further.

#### *Parker Palmer and The Courage to Teach*

The previously described theories provided the Institute’s structural foundation for teaching and professional development. In addition to these theories, the author and educator Parker Palmer (1998) provided a model for teaching and development in his two



texts used at IFEJE. In *The Courage to Teach*, Palmer drew upon his personal history as an educator and essentially demonstrated the application of the Institute's theories. In this book Palmer asserts his basic principal for teaching: "you teach who you are". He believes this must be understood by those who teach, no matter what setting they choose, because no matter the techniques one is taught, the person, the individual in charge of the course, is the one who will show up in the classroom.

While the other models include an emotional component, Palmer's writing and philosophy emphasizes the role of emotion in teaching. "The courage to teach is the courage to keep one's heart open in those very moments when the heart is asked to hold more than it is able so that teacher and students and subject can be woven into the fabric of community that learning, and living, require" (Palmer, 1998, p. 11). This declaration gives teachers permission to act on how they feel, rather than try to contain themselves within a prescribed technique. The illustration of his story was a continuous source of inspiration for participants as they applied the theoretical models to their projects.

A person's ability to "learn, unlearn, and re-learn" has much to do with how they learn, their stage of development in life and how they think and make sense of the world. The combination of the theoretical models used at IFEJE promoted the judge-participants' development in the area of teaching, but also aimed to assist their development as leaders and moreover, as people. This schema also contributes to our understanding of "What makes a good judge?" It is not just a question of competence and accountability, but is eclipsed by the issue of their character (Murrell, 2006) and who they are.

Daley and Mott (2000) suggest that continuing education providers should be about the business of fostering “professional development programs that ultimately promote the ability to work in the uncertain, confusing, and dynamic world of professional practice for the betterment of clients” (p. 81). IFEJE proposed and implemented a judicial education program that endeavored to take action in regard to not only who the learners were, but to whom the education and learning were ultimately applied: the American public. It was believed that allowing judges the opportunity to learn about their own learning and thinking supported the advancement of the character of each participant and therefore worked to preserve judicial independence and the third branch of government. In addition to helping judges understand themselves, the nature of learning as illustrated by Kolb, the recurring themes described by Erikson and the framework set forth by Perry, it was thought that this program could assist judges in “enhancing their judicial performance” by helping them better understand the constituents with whom they are in contact every day, such as attorneys, defendants, clerks, and jurors. Further, learning about how people learn and think could improve judges’ knowledge and skills in making determinations about what they heard in court, thereby, improving their competence and accountability. So the basic questions in this study are: Did IFEJE work? And then, what can we learn from it?

## Chapter 3: Methodology

This chapter begins with a description of the epistemology and theoretical framework that informed this study. Following this discussion, the methodology employed to conduct data collection are detailed. Next, a description of the study participants is provided. Last, the analytical strategy and the researcher's subjectivities are explained.

### Epistemology and Theoretical Framework

The epistemological point of view in which this study is framed is social constructionism. The key concept of social constructionism is the making of meaning from “conscious subject” to “the object of the subject’s consciousness” (Crotty, 1998, p. 44). In this case, the conscious subjects were IFEJE participants and the object of their consciousness was the Institute. Further, constructionism is “the view that all knowledge, and therefore all meaningful reality as such, is contingent upon human practices, being constructed in and out of interaction between human beings and their world, and developed and transmitted within an essentially social context” (Crotty, 1998, p. 42). I believe that we are meaning makers constantly weaving and interweaving new meaning, and consciously and subconsciously constructing knowledge about whatever we encounter.

Employing this framework, I wanted to understand the “collective generation [and transmission] of meaning” (Crotty, as cited in Patton, 2002, p. 97) perceived by the study participants. From that, I sought to understand the reality of their perception of the IFEJE and its consequence in their lives: 1) Did they perceive they had developed personally

and/or professionally as a result of completing this program? and 2), if so, what is their perception of what they do differently in their work and personal lives as a result?

My research is framed in this epistemology because I am specifically looking to understand the meaning judges derived from the Institute and changes they made, if any, and attributed to participation in this program. The program had a unique culture and promoted participants' engagement with that culture- its objects, language, and symbols- and supported the construction of new ideas and approaches to work and life. To facilitate this process, IFEJE's theoretical models and processes encouraged participants to examine their own identity and develop a more clearly defined understanding of their culture and what they wanted to change about themselves and the system in which they work. Through the group and individual interactions, judges "fabricated [their own] versions of knowledge" (Burr, 1995, p. 4) within the context of the Institute. It was expected that they would return to their homes and workplaces with newly constructed knowledge about the world and themselves.

The theoretical perspective used in this study is interpretivism. Interpretivism "attempts to understand and explain human and social reality" (Crotty, 1998, pp. 66-67) by interpreting experiences conveyed by participants. According to Patton (2002), if these "shared meanings" are understood "what is most important to people, what will be most resistant to change, and what will be most necessary to change if the program or organization to move in new directions" will be illuminated (p. 113), Three perspectives stemming from interpretivism are phenomenology, hermeneutics, and symbolic interactionism. The perspective used in this study is symbolic interactionism. Blumer

(1969) explains “three basic interactionist assumptions” (Crotty, 1998, p. 72) about symbolic interactionism:

- 1) Human beings act toward things on the basis of the meanings that these things have for them.
- 2) The meaning of such things is derived from, or arises out of, the social interaction that one has with one’s fellows.
- 3) The meaning of things is handled in, and modified through, an interpretive process used by the person in dealing with the things he or she encounters. (Crotty, 1998, p. 72; Patton, 2002, p. 112)

All of these assumptions emphasize the interaction people have with their surroundings and that they are making meaning with each new experience. The first assumption refers to the previous discussion of social constructionism; the second refers to the shared meanings that participants have within the institute and then with me as a researcher; and the third refers to the shared meanings that I have with the participants as they share their experiences with me and as I attempt to understand how they are interpreting their experiences.

For a researcher, the seminal concept of symbolic interactionism is that of “putting oneself in the place of the other” (Crotty, 1998, p. 75). Specifically, I, the researcher, must be able to put myself in the participants’ shoes and “take, to the best of my ability, the standpoint of those studied” (Denzin, 1978 as cited in Crotty, 1998, p. 75) when interpreting the symbols, language, and text provided by the participants. Listening to participants’ stories, reading text from interview transcripts, emails, and evaluations, and reviewing photos from the Institute, I can co-construct a ‘reality’ interpreted by me from all of these sources. Each of the judges had a different reality and therefore, constructed their experience differently. In chapters 5 and 6, I will present what I have

understood from that interpretation as their reality and make assertions about what happened for them during and as a result of the Institute.

### Case Study

“Case study is an exploration of a ‘bounded system’ or a case (or multiple cases) over time through detailed, in-depth data collection involving multiple sources of information rich in context” (Creswell, 1998, p. 61). During my five-year tenure as project coordinator for IFEJE, I was intentionally and unintentionally conducting a case study of the Institute. Consciously, I collected data through post-Institute evaluations; observed and conversed with other faculty and participants about discussions or happenings during the program; updated curriculum materials and created and implemented new ideas, texts, films, or experiential learning opportunities; and recorded experiences through the required end of year summaries and evaluation reports. All of that time, I was consciously and subconsciously forming a story about my experience with the Institute but without a definite outcome in mind except for meeting requirements imposed by the program funders. Stake (1995) said that “there is no particular moment when data gathering begins” (p. 49). However, when I heard the participant call the Institute “magic”, I knew that I would have to conduct a formal discovery process about the program. I chose the Institute as a case to study and IFEJE graduates acted as primary informants for the study.

After working with the program and conducting the pilot study for this research, I came to understand that this educational experience was unique. First, the program was different because the people who participated were judges. Judges don’t typically attend faculty development programs because their position and profession does not require it.

Typically, educational programs they attend deal with substantive topics such as the evidence or court proceedings. Another reason I saw the Institute as different is that it took participants to locations not typical of judicial branch education such as a Christian Orthodox retreat in Bolivar, PA and the Asilomar Conference Center, a state park facility located on the beach in Pacific Grove, CA. Third, the participants were asked to do things they didn't ordinarily do in professional settings. They were required to participate. They were asked, really counted on, to talk about their experiences and share their thoughts about many different topics. The group was very small so if they didn't show up, physically and mentally, people noticed. Last, the program held participants accountable for their learning. They had to produce a project at the end of the program that they could utilize in their courts.

As the former project coordinator for IFEJE, I am an "insider" in this study and know many of the participants very well, considering them not only professional colleagues, but personal friends. The setting and the people are not "anthropologically strange" (Hammersley, as cited in Crotty, 1998, p. 76) to me, and indeed, quite familiar and of great personal and professional interest to me. Because of my connection to these judges, I have had an unusual opportunity to work with them to develop an in-depth study of this case, IFEJE.

Stake (1998) describes intrinsic case study as the kind of case study that "draws the researcher toward [an] understanding of what is important about [the] case within its own world, not so much the world of researchers and theorists, but developing its issues, contexts, and interpretations" (p. 99). This description fits with my interest in the program or case. I selected this project simply because I was interested in it and wanted

to discover the “compelling uniqueness” (Stake, 1998, p. 92; Creswell, 1998) of the program.

### Participant Selection

“There are no rules for sample size in qualitative inquiry. Sample size depends on what you want to know” (Patton, 2002, p. 244). According to Bhattacharya (2007), qualitative researchers seek to understand participants’ stories and how they make meaning of their experience. Because I was interested in developing an “information-rich” (Patton, 2002, p. 30) understanding of IFEJE participants’ experiences, purposeful sampling was used to identify a small but diverse sample of judges. Purposeful, and more specifically, extreme case sampling (Patton, 2002; Creswell, 1998, pp. 119-120) calls for a selection process that strategically winnows through the pool of potential participants for those who can provide detail and the greatest depth of information in terms of the case being studied.

Herbert Blumer was the first to “use group discussion and interview methods with key informants” he called “his panel of experts” those who could really take him “inside the phenomenon of interest” (as cited in Patton, 2002, p. 112). The judges selected for the study were those whom I believed to be experts in this case. They were chosen in part because I believed something positive happened to these judges as a result of their participation in the Institute. The next section describes other criteria considered during the participant selection process.

Between 2001 and 2007, approximately 60 judges completed IFEJE. The last IFEJE class graduated in April, 2007. In its 10 years of programming, judges and judicial educators from 33 states and two national education provider organizations have



participated in the Institute, producing 165 projects for the purpose of improving the administration of justice.

To begin the selection process, judges were informed about the study via email in June 2009 and invited to volunteer. A total of 24 judges volunteered to participate. From this group six judges were selected. The selection criteria included:

- 1) Geographic location of the judges
- 2) Size of court or jurisdiction in which they served
- 3) Gender
- 4) The length of time they planned to continue working as judges (judges planning to retire soon were not considered)
- 5) Whether they had served as faculty for IFEJE after graduating from the program (three out of the six judges selected for the study had served as faculty)

The selection criteria were established to create a group of participants who brought a variety of perspectives on their experiences as well as on teaching, judging, and professional development and who were committed to education and judging.

Judges were notified that they had been selected by email and interview dates were scheduled. A female judge from the West who was selected early on in the process wanted to participate but was unable to because of recurring conflicts in her schedule. Another judge, also a woman, from her state and in a similar court was selected to take her place. After five judges were confirmed as participants, the researcher and dissertation chair discussed the group as a whole in order to proceed with the selection process. Recruiting faculty-participants was uncomplicated. However, recruiting participants who had not served as faculty while establishing a group who would bring a

variety of perspectives to the study was not as simple. In order to achieve that balance, the researcher and chair decided to invite a judge who had not responded to the invitation to participate. When that judge did not respond to the call, the researcher went back to the pool of potential participants and sent a request to an IFEJE graduate who had volunteered and whom they believed would be able to provide significant detail about his experience. He agreed to do the interview so after interviewing the sixth participant, primary data collection was complete.

Once participants were selected and their interview date was set, they were sent consent forms via email and asked to complete them (see Appendix A). The consent forms stated the purpose of the study and the terms of participation in the study. If at any time they decided they did not want to or could no longer participate, they could withdraw from the study.

### *Participants*

This section provides a description of study participants and their educational and professional backgrounds. Table 1 details basic information about the study participants. The names used for study participants are pseudonyms.

Caroline, like all the other participants, is an attorney. Before her nearly 20-year tenure on the bench, she served for several years in her state's House of Representatives. She currently is an administrative judge in her state. Caroline is highly involved in organizations that are concerned with justice for children and holds leadership positions in a national organization that does work in this area. She came to IFEJE almost

Table 1

*Participants*

Name	Ethnicity	Gender	Location	Faculty *
Caroline	Caucasian	Female	Northeast	Yes
David	Caucasian	Male	Midwest	Yes
Ruth	Caucasian	Female	Midwest	Yes
Juan	Hispanic	Male	Northeast	No
Holly	Caucasian	Female	West	No
Paul	Caucasian	Male	South/Midwest	No

\* Previously served as IFEJE faculty

10 years ago after participating in LIJE. She has served not only as faculty, but as the Consultant Mentor and on the Institute’s Advisory Board.

David worked as an attorney for nearly 30 years before becoming a judge in his state. Has developed a mentoring program for new judges and served as president of his state’s judges association. He has taught law courses at a local university and is highly involved in his state’s judicial education programs. David came to IFEJE nearly ten years ago and like Caroline, has served as faculty, as Consultant Mentor, and on the Institute’s Advisory Board. Since completion of his IFEJE, he has taught about his project and related topics in ten different states for various judicial programs.

After graduating from law school, Ruth worked as labor relations attorney and then went to work as an Assistant U.S. attorney before becoming a judge nearly 20 years ago. She has served as faculty for her state judicial education programs, the American Bar Association and National Judicial College, teaching on a variety of topics, including: racial profiling and its impact on the court; immigration consequences of criminal

convictions; DUI cases; and civility and ethics for judicial officers. Ruth attended IFEJE over ten years ago and has served as faculty for the Institute.

Juan was a prosecutor in the homicide division of his local District Attorney's office and has served as a judge for over ten years. He has presided in a court that handles domestic violence cases and in a problem-solving court that deals with juvenile prostitution cases. Juan came to IFEJE three years ago and has presented his project so successfully that legislation has changed in his state so that juveniles are no longer viewed as adults in prostitution cases. He is now the Administrative Judge for his county.

Holly holds a juris doctorate and a master's in accountancy. She has been a District Court Magistrate for 20 years and deals with divorce and child custody cases. She has provided training for judicial officers, attorneys, social workers, psychologists, and other professionals on related topics. She serves as an officer on her state bar association. She completed IFEJE five years ago.

Paul is a Chief Judge in his county and has been appointed to the bench for almost ten years. Prior to his service as a judge, he worked as an attorney in employment and civil rights cases. He has lectured in the areas of family and employment law and has worked on his state's human rights commission. Paul completed IFEJE four years ago.

Each of these participants showed continuing interest in the Institute after their completion, either by their continued service to it, participation in events such as Alumni dinners in their states or the 2007 Workgroup Conference hosted by the LIJE project, by offering letters of support to continue funding for the project, or writing articles related to their IFEJE experiences. This continued interest in the Institute and their own work

demonstrated the potential for information-rich interviews and feedback that would be of value to this study.

### Data Collection

“The interview is the main road to multiple realities” (Stake, 1998, p. 64).

Interviews served as the primary data source for this study. In addition, material culture was analyzed which included: Institute evaluations; Younger’s Impact Evaluation (2004); and emails collected since 2004.

The in-depth interviews conducted for this study from July through November, 2009 consisted of semi-structured, open-ended questions (see Appendix B for the interview protocol). Participants were interviewed via telephone conference calls due to the fact that the judges were located in different states and funds were not available to travel to each of the locations. The questions and answers were audio-taped and each interview lasted 45-75 minutes. During the course of interviews, journal notes were written to document findings and reflections on the data collected and the interview process. Open-ended questions during the interviews provided the starting point for participants’ descriptions of their experiences at the Institute. Further probes unearthed deeper meaning of the experience for each of the individuals.

Before each interview, participants received a copy of the interview questions. Post-question probes developed to garner fuller descriptions from participants were left out of the protocol sent to participants so they could form initial reactions to the basic inquiries presented.

At the beginning of each interview the consent form was reviewed with each participant to make sure they understood the terms of participation. In addition, the main

purpose of the study, which was to understand whether they had experienced personal or professional development, was emphasized to each participant. After the consent and main purpose were discussed, I asked the interview questions, mostly in order, but sometimes out of order depending on their responses. At the end of the interview, each participant was given the opportunity to add or say anything more about their experience during or post-Institute.

The interview process was designed to understand how judges engaged in the content and process of the Institute, their view on the specifics of the Institute, what aspects had meaning for them, and conversely, what did not, as well as what was absent for them in the experience. The understanding gained from this process may inform decisions about curriculum changes, provide information to secure program funding, and impact the administration of justice, one of the main purposes of the Institute.

#### Archival Data Collection

In addition to the interviews, archival data were reviewed. These included: 1) annual Institute evaluations compiled since 2002; 2) the IFEJE Impact Evaluation (Younger, 2004) required by the funder; and 3) unsolicited emails from participants since 2004.

Each year of the Institute, annual Institute evaluations were compiled. After each phase of the Institute, participants and faculty completed an evaluation. The first part of the evaluation included questions about the content of the sessions and effectiveness of the presenters. Participants ranked each item on a 7-point likert scale. Responses on the scale ranged from “Disagree Strongly” to “Strongly Agree.” Questions on the evaluation were consistent each year with only the presenters’ names changing. In addition,

participants were asked to answer open-ended questions that related to their experiences with mentors, completion of their projects and how that contributed to their personal and professional lives, and what their plans were for the future with regard to their learning at IFEJE. The evaluation also included space for open-ended comments.

An Impact Evaluation of IFEJE, a comprehensive study required by the program funder, was conducted by Younger (2004), an outside evaluator, in 2003. This evaluation included a survey completed by 35 graduates of the program who had participated in IFEJE between 1997 and 2003. It was more in-depth than the annual evaluations because participants not only completed surveys but also answered open-ended follow up questions posed to them by the evaluator. The Impact Evaluation sought to assess not just participants' initial reactions to the content and process of the Institute, but their perceptions of learning and behavioral changes as a result of completing the program. It was completed and reported to the granting agency in January of 2004.

A total of 36 emails collected from 2003 to 2007 were reviewed. These emails contained small tidbits of information from participants, usually noting some recent achievement attributed by the participant to their completion of the program or their project.

#### Analytical Strategy

“There is no particular moment when data analysis begins” (Stake, 1995, p. 71). However, depending on the reason for the research, which in this case is a dissertation, there is a point in the process when the researcher formally begins an intentional process of putting all the pieces of data together for the purpose of writing the report. For me, this intentional process began with the completion of my first interview.

After each interview, the audio tapes were transcribed. After all tapes were transcribed, I listened and read each interview and made notes in the margin to record thoughts and questions about what participants said. For example, I wrote:

- “[she’s] not used to doing ‘hard’ things”
- “This was a challenge during the Institute for this person”
- “she is being more purposeful in her work”

These notes accomplished a few things: 1) recorded first impressions or important questions to ask later; 2) served as a first round of the analytic process; and 3) provided insights about the data and process along the way. From this preliminary analytic process, I began the process of coding. Coding is “the main categorizing strategy in qualitative research” (Maxwell, 2005, p. 97), a process where the researcher reviews the text/data to form initial categories of information (Creswell, 1998). Within those categories, sub categories were identified, grouped and sometimes re-grouped to bring forward greater understanding of the data.

Copies of the Institute evaluations were made so each could be reviewed and coded. As I read each evaluation, I looked at the questions to which participants described their reactions to different aspects of the Institute’s curriculum by using the likert scale rankings. At the end of the questions for which participants could answer by responding on the likert scale, they also could add comments about each session. Notes were made about participants’ responses and comparisons between the rankings for each question each year. In addition, notes were made about the responses to the open-ended questions at the end of the evaluations.



The Impact Evaluation was reviewed and coded by highlighting important phrases or words in the document. Notes about the highlighted phrases and words were made in the margins and later reviewed along with other archived data. Emails were reviewed and coded in the same manner as the Impact Evaluation.

Once data from the interviews and material culture were coded, the data were analyzed using inductive analysis, a process by which the researcher “works up” from the data (Bhattacharya, 2007 p. 43) or is “grounded” (Patton, 2002, p. 454) in the data. According to Bhattacharya, this type of analysis allows the researcher to have subjectivities and assumptions about the data, but it is assumed that there is no hypothesis established prior to data collection. Using Shank’s Phases of Qualitative Data Analysis (2006), I read the codes, and continued to return to my research purpose and questions in an effort to understand the data. My constant quest was to answer the following questions about the data: how does this information relate to the role that participation in IFEJE played in the personal and professional development of these judges? How do these responses describe either personal or professional development experiences for these judges during the Institute?

As described by LeCompte (2000), the process of coding and categorizing is much like putting together a jigsaw puzzle. In her article, *Analyzing Qualitative Data*, LeCompte illustrated steps for analyzing data. Using her method, I began the process of coding and categorizing the data by a system of identifying “frequency, omission, and declaration” (p. 148) within it. To do this, I reviewed the transcripts and made initial notes without highlighting any of the text. I then went through the text two more times, coding phrases or words I believed to be important by using the highlighter function on

the computer to code the text with first yellow and then green shades to identify my first and second impressions. In addition, I used the comment function making notes in the margin to synthesize statements, remind myself to compare to similar comments made by others or to ask myself a question. Coding in this way allowed me to discover pieces of the puzzle within each transcribed interview that were related to the other interviews: exact words, phrases with similar meaning, and words like learning, for example, that have meaning within the context of the Institute. At the end of each interview, I wrote a brief summary of what I believed was the experience of each participant. After completing this process, I printed each interview with highlighted text and margin notes and cut out all of the coded pieces of the interviews. I then began the process of sorting them according to frequency and topic by taping them on a large sheet of paper attached to the wall. This allowed me the opportunity to move them later as I sorted them into meaningful groups.

Next, I looked at the transcripts for what was omitted or did not appear in the text, but what I thought was reasonable to expect as part of participants' experiences. As I identified omissions, I recorded them in my notes. Third, I looked for common items of declaration in each of the interviews. Those were recorded and coded in a manner similar to the frequencies.

From this process, I put together "chunks" (LeCompte, 2000) of codes and tied them together to formulate themes from the data. I compared and contrasted my findings from the interview transcripts with that of the Institute evaluations and the Impact Evaluation (Younger, 2004) as well as the emails. From this process, a picture began to replace the scattered puzzle pieces, and a landscape with a view of some of the common

experiences had by IFEJE participants emerged. Chapter 5 will detail findings from the data.

### Subjectivity Statement

I have an undergraduate degree in English with a minor in Fine Arts and a master's in Counseling and Student Personnel Services. I am currently in the department of Leadership, Higher and Adult Education doctoral degree program at the University of Memphis. Most of my professional life I have worked in higher education, in recruiting, career services and teaching. In recent years, I have worked in faculty and leadership development and with program evaluation. In whatever realm I have worked, I have approached my work from the perspective of a helper to individuals. I am very interested in human potential and strongly believe that all people have some extraordinary talent, although I think most are not fully aware of that talent. In work and in life I have always enjoyed assisting people in discovering their talent or gift and witnessing the moments they realize they possess great potential.

I am interested in how people make sense of their world and their reality. I enjoy hearing people's stories. I want to know what motivates them, what their histories are, how they navigate each day in what I see as a complex array of issues to be resolved and decisions or commitments to be made. I see life as a journey, an evolution that unfolds with every experience building on prior experiences to take us further down our paths. I believe that if this thinking makes sense to people that they can use it as a means to develop to their fullest capability.

My professional interest in this study is that I have worked specifically in the area of judicial education for over five years and in adult education for almost 18 years. I want

to continue this work and build on what I have learned to become more proficient in my work. Completing this study will give me more insight into education and the process of human, specifically adult, development. In addition, I believe this understanding will increase my capacity as an educator. Further, I have learned so much from working with the IFEJE and these professionals that I want to study what we have done in depth in order to contribute what I learn back to the profession.

In particular, judges are of interest to me because of their unique professional position. I know the judges who participated in my study and they are, as individuals and as a group, fascinating, intelligent, and controversial people. I have known some of them for almost eight years. They all have had different life experiences, some very high profile, some tragic, some creative, some predictable. However, all were led somehow to this Institute and most have continued afterward to build on their experiences at IFEJE. I care about these participants and want them to learn from the interview process. At IFEJE, reflection is encouraged and I view this study as another opportunity for the judges to be reflective about their work and who they are personally and professionally and I encouraged that by my interaction with them during the interview process.

I position myself in the theoretical framework I have chosen because I am comfortable with dialogue and communication with others, and keen about other's perceptions, what people mean by what they say and do, and by their attitudes. I am intuitive and adept at seeing others' points of view and putting myself in another's shoes. I am seeking to construct the meaning of the IFEJE experience myself and trying to learn more about the culture of this program through the participants' construction of meaning. I also identify with what was described as a backdrop for the symbolic interactionism, the

pragmatist philosophy (Crotty, 1998) where the view of the world as a place to be discovered, understood and constructed so that the individual can make the best use possible of his or her life. I believe by exploring the participants' experiences I can improve the understanding of this type of judicial branch education program, making it more accessible and valuable to those who participate in the future. The idea of the pragmatist being one who is, "liberal, tolerant, optimistic" (Crotty, 1998), also resonates with me, because I am open to others' experiences and believe I can learn from them.

I think because of my worldview I was well-suited for this study. However, because I rely often on my intuition for my responses and in my decision-making, I had to be careful to assure that I was recording and interpreting the participants' meanings and not my own. In addition, as the Project Coordinator for this program, I was an insider so the setting and the people were especially familiar to me, so I had to make a concerted effort to be the careful observer when asking questions, transcribing interviews and writing field notes, reporting findings, and making conclusions.

My assumption was that something positive happened to these people as a result of their participation in the Institute. I believe that they have grown personally and professionally and that they are more competent in their work and lives as a result of their participation in IFEJE. This study is an endeavor to understand whether my assumption is well-founded.

The description of the case will be represented in Chapter 4. The findings from this study will be presented in Chapter 5. The conclusions, implications and recommendations will be included in Chapter 6.

## Chapter 4: Case Description

In chapter 1, the activities and theoretical models used at IFEJE were outlined. This chapter provides a more in-depth account of the content, process, and day to day activities of participants during and in between Phase I and Phase II of the residential Institute. The first section of this chapter includes a definition of leadership and objectives for participants. The next section contains information about how participants and faculty were selected and the structure and qualifications of program staff. The last part of this chapter provides Institute dates, locations and other specifics including a sample agenda and timeline for the Institute.

### Leadership Definition

The director of the Institute wrote the following definition for the Leadership Institute in Judicial Education, IFEJE's predecessor and associate program. This definition served as a beacon for and a gauge by which participants could measure their learning and development post-Institute. It encapsulates the effect she envisioned happening for all who participated in both judicial education programs.

Leadership is the capacity to identify and develop one's resources, whether human or material. It further involves the ability to mobilize those resources in realizing a vision, reaching a goal, or resolving a problem. It starts with who we are and then moves to what we do. Learning and teaching are the most powerful tools in a leader's repertoire. (Murrell, Schneider, & Gould, 2009, p. 18)

### Participant Learning Objectives

The following learning objectives were included in the Institute notebook and established as a guide for participant outcomes. Upon completion of the Institute the vision for participants was that they would be able to:

- 1) Recognize and be able to describe what it is in the administration of justice that they care about most
- 2) Apply learning theory to fulfillment of their role in judicial education and improving the administration of justice
- 3) Ably utilize educational media and audience involvement activities in their presentations
- 4) Accept and integrate a healthy repertoire of means for becoming better learners themselves
- 5) Have planned and completed an independent project which exemplifies the principles of excellence
- 6) Experience “going around the circle” again, understanding the depth of learning that is achieved by revisiting material from new perspectives
- 7) Explore the relationship between identity and teaching: “We teach who we are” (Palmer, 1998)
- 8) Consider contributions made to the self by vocational satisfaction, physical wellness, and emotional well-being
- 9) Understand the role of reflection and introspection in faculty excellence

#### Participant Application Process

At the beginning of each calendar year, Institute staff applied for a grant from the State Justice Institute (SJI) to secure funding. After notification that funding was granted, usually by June of each year, brochures and applications were sent to those listed on the Institute’s database, which included past participants, the Leadership Institute in Judicial Education’s database, a larger database that included past participants, and others who

had expressed interest in the program. The application asked questions like “How did you hear about the Institute?” and “What kinds of teaching experiences have you had in your personal or professional life?” In addition, participants were asked to begin thinking about a project they would like to pursue by answering the question “If selected to participate, what project would you like to complete?”

Once all applications were received, the Institute staff met to discuss each applicant and how they could benefit from the Institute and also how they might contribute, based on their experiences and the topic they wanted to research. Because of the intense nature of the Institute, not more than 20 participants were selected each year. Once participants were selected, they were notified by letter and worked with the Project Coordinator to make plans for travel to each Phase of the Institute.

Grant funds paid for all program components, including curricula, texts, supplies, meals, and meeting space. Participants or their sponsoring judicial education organizations funded their transportation and housing expenses to attend the program. Some participants were able to secure funding through scholarship opportunities made available through SJI.

#### Faculty Selection Process

After the close of each Institute, staff would convene and discuss participants’ presentations and projects to determine who would be invited to serve as faculty from the most recent and previous classes. Usually three previous Institute participants who had never served as faculty were asked each year to serve. “Parker Palmer's characteristics of teachers guide the recruitment, selection, and development of faculty. Traits such as authenticity, integrity, and openness are required, as well as knowledge about the subject



matter” they were asked to teach (IFEJE proposal, 2006-07, p. 11). Additionally, the commitment and work required to serve as faculty was valued for its contribution to continuing learning and development for those involved. Further, the opportunity to incorporate tenets of the Institute and teach the material offers opportunity for those individuals to master the material. Transportation, food and hotel expenses for these individuals were paid by the grant. However, faculty donated their time and service to the Institute.

In addition, a consultant mentor was selected to prepare the faculty to serve as mentors, oversee the mentor/mentee activities, provide advisement for mentors, serve as a mentor, and coordinate the follow-through required during Phase II to ensure completion of projects. The consultant mentor was an individual who had served previously as a faculty member. Through the mentoring system, “graduates” were able to serve as guides and contribute to the learning experience of entering participants. Their individualized support of participants allowed for more complete development and fulfillment of independent projects, and their direct experience in utilizing Institute material made integration for the new participants an easier process. This supportive mentoring approach provided an excellent laboratory for application of David Kolb’s “learning around the circle again,” as well as a vehicle for the expression of generativity. This person also donated his/her time and service (IFE proposal, 2006-07).

#### Program Staff

Housing the project at the University of Memphis provided structural support for two professional staff members, a director and a project coordinator, both of whom were part-time. In addition, a University Graduate Assistant worked with project staff and LIJE

staff contributed time and effort to the project as volunteer staff. All personnel shared responsibilities in directing, coordinating, administering, implementing, and recording all project activities and responsibilities. Volunteer faculty and the consultant mentors participated in a number of project responsibilities.

#### 2001-07 Institute Dates, Locations, ELOs, and Readings

##### *Locations*

IFEJE was administered from the University of Memphis, but each year the program was held at different locations around the country. This was done so that potential participants with travel constraints such as limited budgets or state requirements restricting travel outside their states could attend the Institute.

##### *Experiential Learning Opportunities (ELOs)*

“Based on the Experiential Learning Model of David Kolb, Experiential Learning Opportunities (ELO) were incorporated into IFEJE. As described in chapter one, ELOs offered participants and faculty opportunities to experience situations in which other learners have explored their passion, leaving behind a unique path of trials and successes from which all can learn” (Gould, 2003, p. 17). Lindeman (1961) says experience is “the adult learner’s living textbook...already there waiting to be appropriated” (p. 7). “The particular sites for ELOs were chosen because of their relevance to the curriculum or context/location in which the Institute was held and/or pressing current issues facing our system of justice” (Gould, 2003, p. 17). In the agenda sample shown below, the 2006-07 class visited St. Jude Children’s Research Hospital in Memphis, TN. First they toured the hospital to learn about the enormous scope of work being done to treat and prevent pediatric catastrophic diseases. After the tour, they attended a presentation given by Dr.

Richard Webby, preeminent researcher for the H5N1 influenza virus or what is commonly referred to as the bird flu. This ELO demonstrated the passion of the late entertainer, Danny Thomas, founder of St. Jude, as well as many of the employees and researchers currently working there. It utilized the local context of the institute and addressed an issue that courts are concerned with, that is, court security and preparation for disasters.

ELOs were supported by curricular materials that were distributed to participants in their notebooks so they could read about the sites in advance. These experiences created opportunities for group and one-on-one interaction, where much of the learning and transformation took place. Through ELOs and other learning activities, new and different ways of teaching were demonstrated at the Institute. From those experiences, participants were expected to return to their professional lives and emulate what was modeled for them at IFEJE.

### *Readings*

Two previously-mentioned Institute texts were constants in the program. Parker Palmer's books, *The Courage to Teach* (1998) was given to participants at the beginning of Phase I; *Let Your Life Speak* (2002) was given to participants at the beginning of Phase II. The texts were not required reading during the Institute, but it was strongly encouraged that participants familiarize themselves with Palmer's writing as part of their foundation for teaching and learning. Participants also were given journals in which they were asked to write as part of some of the curriculum activities and to reflect on their daily experiences at the Institute. In addition, participants and faculty were required to

read other texts, short stories, or articles that related to the context or location of the Institute. They are listed within the chronological outline of the Institute provided below.

*Chronological Outline of the Institute*

2001-02

Phase I: Shaker Village, Harrodsburg, KY

ELO: Tour of Shaker Village; Visit to the Abbey of Gethsemane; and Berea College

Reading: "Sonny's Blues"

Phase II: The Gainey Center, Owatonna, MN

ELO: Tour of Historic National Farmer's Bank

2002-03

Phase I: Gainey Center, Owatonna, MN

ELO: Tour of Minnesota State Public School for Dependent and Neglected Children. Afterwards, Harvey Ronglien, resident at institution in the 1930s, discussed his experience as an orphan there; Tour of Historic Wells Fargo Bank

Phase II: Whispering Woods Conference Center, Olive Branch, MS

ELO: Oxford, MS: Toured Rowan Oak, the home of author William Faulkner; participated in a walking tour of the University of Mississippi campus led by a retired professor who discussed his experience during the riots that took place when James Meredith was enrolled at the university in 1963.

Reading: *Barn Burning* by William Faulkner

2003-04

Phase I: Asilomar Conference Center, Pacific Grove, CA

ELO: Visited the John Steinbeck Museum in Salinas, CA; Led by a park ranger, toured the conference grounds that are located in the Monterey Bay National Marine Sanctuary.

Reading: *Cannery Row* by John Steinbeck

Phase II: Dolce Skamania Lodge, Stevenson, WA

ELO: Toured Columbia Gorge Interpretive Center Museum and heard local retired librarian, Merna DeBolt portray Lewis and Clark's expedition across the country from Merriwether Lewis' mother's point of view; took an historical cruise on the Columbia River

Reading: *East of the Mountains* by David Guterson

2004-05

Phase I: Oct. 10-15 Antiochian Village Conference Center, Bolivar, PA

ELO: Frank Lloyd Wright's home, Falling Waters in Mill Run, PA and Flight 93's crash site in Shanksville, PA

Reading: *The Death of Ivan Ilyitch* by Leo Tolstoy

Phase II: Mar 8-11, Jekyll Club Hotel, Jekyll Island, GA

ELO: Sapelo Island, GA. Participants learned about the history of the island and its inhabitants, the Gullah people.

Reading: *Man's Search for Meaning* by Viktor Frankl

2005-06

Phase I: Oct. 24-29 Winter Park Mountain Lodge, Winter Park, CO

ELO: National Sports Center for the Disabled (NSCD). Discussion with a program staff member and paraplegic who participated in the program.

Afterwards, participants took part in a hands-on experience at the Center's adaptive campground to experience what it might be like to have a disability.

Reading: Short story, *The Best Interest of the Child* from the book *Brothel Boy* by Norval Morris.

Phase II: April 4-7 Bishop's Lodge, Santa Fe, NM

ELO: 1) Toured the Bishop Lodge and Lorreto Chapels; Toured the St. Francis of Assisi Cathedral

Reading: *Death Comes for the Archbishop* by Willa Cather

2006-07

Phase I: Nov. 5-10, Fogelman Executive Center, Memphis, TN

ELO: Tour of St. Jude Children's Research Hospital and Discussion about the H1N5 (bird flu) virus with Dr. Richard Webby, St. Jude Associate Faculty and Director of the World Health Organization's Collaborating Center for Studies in Ecology of Influenza in Animals and Birds; Domestic Violence play, *Will You Hold My Child...* (written by advocates and survivors as part of a VOWA grant) performed by local actors August LeVangie and Nick Taylor.

Reading: *The Best Interest of the Child* by Norval Morris.

Phase II: April 10-13, Fogelman Executive Center, Memphis, TN

ELO: Oxford, MS: Toured Rowan Oak, the home of author William Faulkner; participated in a walking tour of the University of Mississippi campus led by a retired professor who discussed his experience during the riots that took place when James Meredith was enrolled at the university in 1963; viewed the recently installed James Meredith statue; and heard the Director of the University's

William Winter Institute for Racial Reconciliation discuss their work helping communities reconcile past and present day actions related to civil rights and justice.

Reading: *Barn Burning* by William Faulkner

*Note:* None of the interview participants in this study were present at the 2004-05 Institute as participants or faculty.

#### Institute Agenda

To understand fully the experience of participants and intense nature of the Institute, it is important to know how components of the Institute were brought together within the designated timeframe and the level of participation expected of all involved. Following is the agenda from the last IFEJE class which took place in 2006-07 in Memphis, TN. It outlines the daily activities of the faculty and participants. The words “Judge-Faculty” listed next to an agenda item indicate that the person or persons who led the session was a judge or judges who had graduated from the program and was selected and volunteered to return, teach and mentor at the Institute. The words “Staff-Faculty” listed next to an agenda item indicate that the person or persons who led the session was a paid Institute staff person from the University of Memphis. A few sessions were led by persons not directly associated with IFEJE, e.g., St. Jude Staff.

Sessions that do not identify a leader indicates that all judge-faculty, staff- faculty and participants were involved in a session, e.g., “Lunch with mentors”. All faculty and participants were expected at all sessions and meals unless indicated. From 2001-07 there were only four occasions when participants or faculty missed sessions. One was due to a

brief illness; one because of a sudden death in the family; one because of a sudden death of a family friend; and one person left the Institute early without notifying the staff.

## Phase I

### *Sunday, November 5*

- |       |   |                                 |
|-------|---|---------------------------------|
| 11:00 | Faculty Meeting   | Judge-Faculty and Staff-Faculty |
| 12:00 | Faculty Lunch   |                                 |
| 1:00  | Project Mentor Training (for faculty)                             | Judge-Faculty and Staff-Faculty |
| 2:00  | Room Set Up   |                                 |
| 3:00  | Introductions and Welcoming Circle for Faculty and Participants   |                                 |
| 5:00  | Room Check In for late arrivals                                   |                                 |
|       | Reception and Welcome<br>by University Provost, Dr. Ralph Faudree |                                 |
| 6:00  | Dinner and Welcome<br>by College of Education Dean, Dr. Ric Hovda |                                 |
| 7:00  | Images of Justice   | Judge-Faculty                   |

### *Monday, November 6*

- |       |                                    |               |
|-------|------------------------------------|---------------|
| 7:00  | Group Walk (optional)              |               |
| 7:00- | Breakfast                          |               |
| 8:30  |                                    |               |
| 8:45  | Mentor Introduction and Exercise   | Judge-Faculty |
| 9:45  | Break                              |               |
| 10:00 | Kolb's Experiential Learning Model | Staff-Faculty |



12:00	Lunch with Mentors	
1:00	Kolb's Experiential Learning Model (continued)	Staff-Faculty
2:00	Break	
2:15	Application: Learning Styles and Effective Judicial Branch Education	Staff-Faculty
3:15	Journal Writing as a Means for Personal and Professional Development	Staff-Faculty
5:30	Reception	
6:00	Dinner	
7:00	Journal Writing/Reflective Time	

*Tuesday, November 7*

7:00	Group Walk (optional)	
7:00- 8:30	Breakfast	
8:45	Neuroscience of Leadership	Judge-Faculty
10:30	Judicial Wellness	Staff-Faculty
11:30	Lunch	
12:30	Experiential Learning Opportunity (ELO) Leave for St. Jude Children's Research Hospital Group Photo	St. Jude Staff
3:00	Depart St. Jude and return to campus	
3:30	ELO Processing	Judge-Faculty
5:30	Reception	

6:00 Dinner

7:00 Project Planning Meetings

*Wednesday, November 8*

7:00 Group Walk (optional)

7:00- Breakfast

8:30

8:45 Adult Life Cycle Development: Judge-Faculty  
Introduction of the Milestone Exercise  
Complete Individual Milestones

10:30 Life Cycle and Effective teaching Staff-Faculty  
In Judicial Branch Education

12:00 Lunch

1:00 Application: Life Cycle and Effective Teaching Staff-Faculty

2:00 Break

2:15 Project Planning and Preparation: Judge-Faculty  
Mentor Meetings

5:30 Reception

6:00 Dinner

7:00 Presentation of Past Participant's Project (Optional) Judge-Faculty

8:00 Journal Writing/Reflective Time/Work on Presentation

*Thursday, November 9*

7:00 Group Walk (optional)

7:00- Breakfast

8:30

8:45	Participant Presentations (5 minutes each)	Judge-Faculty
11:00	Literature and Learning <i>Best Interests of the Child</i> Processing	Staff-Faculty
12:00	Lunch	
1:00	<i>Will You Hold My Child?</i> Domestic Violence Play Performed in the Round	Local Actors
2:00	Break	
2:15	Processing Play	Staff-Faculty
4:00	Depart for Downtown Activities/Free Time	
6:00	Reception and Dinner Hosted by Tennessee Supreme Court Justice, Janice Holder, at Justice Holder's home	

*Friday, November 10*

7:00	Group Walk (optional)	
7:00	Breakfast	
8:30		
8:45	Passion and Judicial Education	Judge-Faculty
10:00	Break/Hotel Check Out	
10:30	Key Aspects of Program Planning	Staff-Faculty
11:00	Closing Circle	Staff-Faculty
11:30	Complete Conference Evaluations	
12:00	Adjourn with Boxed Lunches to Go	

Between Phase I and Phase II, participants and faculty-mentors were expected to work together to research and complete the participant projects. The interim period was three-five months long, depending on the dates of the Institute.

## Phase II

*Tuesday, April 10*

11:30	Faculty lunch at Davis-Kidd Booksellers	Judge-Faculty Staff-Faculty
1:00	Faculty Meeting	
3:00	Introductions and Welcoming Circle for Faculty and Participants	
	Short Film: <i>Joshua in a Box</i> Sign ups for presentations	Judge-Faculty
5:30	Check in for late arrivals Reception	
6:00	Dinner Project Completion	Judge-Faculty
7:00	Adjourn/Finalize presentations	

*Wednesday, April 11*

7:00	Group Walk (optional)	
7:30- 9:00	Breakfast	
9:00	Participant Presentations (30 minutes each)	Judge-Faculty Participants
12:00	Lunch	
1:00	Participant Presentations  (30 minutes each)	Judge-Faculty  Participants
2:15	Break	

2:30	Presentations	Judge-Faculty Participants
3:45	Process Project Presentations	Judge-Faculty
4:30	Wellness Check In	Staff-Faculty
5:30	Reception	
6:00	Dinner	

Homework assignment: Read chapter three of *Let Your Life Speak* and *The Clearness Committee: A Communal Approach to Discernment* (in notebook).

*Thursday, April 12*

7:00	Group Walk (optional)	
7:30- 9:00	Breakfast	
9:00	Cognitive Development	Staff-Faculty
10:00	Break	
10:15	Process Literature Piece <i>Barn Burning</i> by William Faulkner	Judge-Faculty
11:15	Lunch	
12:00	Experiential Learning Opportunity (ELO) Depart for University of Mississippi campus	
1:30	Tour the grounds of Rowan Oak, William Faulkner's home Civil Rights tour at "Ole Miss"	University of Mississippi retired faculty
	William Winter Institute for Racial Reconciliation	University of Mississippi staff
4:00	Depart for Oxford Square	
5:30	Depart for Dinner at Taylor Grocery (meet at Square Books)	

*Friday, April 13*

7:00	Group Walk (optional)	
7:30- 9:00	Breakfast	
9:00	Process ELO Experience	Judge-Faculty
10:00	Break	
10:15	<u>Let Your Life Speak</u>	Staff-Faculty
11:30	Close and Evaluation	Staff-Faculty
12:00	Boxed lunches to go and check out	

#### Institute Timeline

In addition to the participants' timeline, it is important to understand the Institute timeline. In particular, the Institute was funded year to year-as each class graduated, they knew they might be the last class due to the somewhat precarious nature of funding, particularly in the last few years of the Institute. Following is the timeline for activities that occurred to support and administer the program:

September-October: Order supplies and texts/journals for Phase I; follow up with participants and faculty; conduct curriculum meetings with faculty; finalize plans for experiential learning opportunities; coordinate with conference facility to plan meals, meeting and hotel space; finalize travel plans; create/update presentation materials; prepare Institute notebooks, table tents, and name tags; conduct Phase I;

November-December: Conduct staff/faculty debrief and compile evaluations of Phase I; conduct follow up with mentees and assist with projects; make initial

preparations including follow up with Conference Centers to prepare for Phase II; outline grant proposal;

January-February: Prepare and submit grant proposal application; prepare for Phase II of the Institute; conduct follow up with mentees;

March-April: Order supplies for Phase II; follow up with participants and faculty; conduct curriculum meetings with faculty; finalize plans for experiential learning opportunities; coordinate with conference facility to plan meals, meeting and hotel space; finalize travel plans; create/update presentation materials; prepare Institute notebooks, table tents, and name tags; conduct Phase II;

May-June: Conduct staff/faculty debrief of Institute; compile evaluations of Phase II; write up annual Institute summary and evaluation and distribute to participants, State Supreme Court Chief Justices, State Judicial libraries, and SJI via hard copy or Institute web site; receive notification about grant proposal; select and finalize faculty selections; create and send new Institute brochure and application to interested parties; select and sign contracts for Institute locations;

July-August: Process applications for Institute; notify applicants about acceptance; confirm new faculty and assign responsibilities; follow up with Conference Centers to prepare for Phase I.

## Chapter 5: Findings

### Interview Data

This chapter contains details from the interviews about study participants' experiences pre-, during, and post-Institute. Included in this section is information about how participants became involved in the program initially, what they remember--or do not remember--about the theoretical material, their experiences at the different Institute locations, experiences with the other participants and faculty, their projects, and how their roles on and off the bench have changed since their involvement with the Institute. Interviewee reports of personal and professional "ripple" as a result of their involvement with IFEJE is reported. Last, findings from the archival data are summarized. For ease of reading this chapter, the study participant table is repeated here.

Table 1

*Participants*

Name	Ethnicity	Gender	Location	Faculty *
Caroline	Caucasian	Female	Northeast	Yes
David	Caucasian	Male	Midwest	Yes
Ruth	Caucasian	Female	Midwest	Yes
Juan	Hispanic	Male	Northeast	No
Holly	Caucasian	Female	West	No
Paul	Caucasian	Male	South/Midwest	No

\* Previously served as IFEJE faculty



### *Why IFEJE?*

Two of the participants had some prior experience with the Institute's materials or staff before coming to IFEJE. Caroline "had done the Leadership Institute" and said "it was really the fact that Pat was going to be teaching...I was so impressed with her, with the Institute, that the fact that she was going to be teaching was the major thing for me." She commented further that she "loved the material." Paul had gone to the two-day LIJE on-site in his state a year before he came to IFEJE and thus had some prior knowledge of the curriculum.

All of the participants were influenced, encouraged, or asked directly by colleagues in their home states to attend IFEJE. Paul said that the Administrative Office of his state's Supreme Court recommended IFEJE to him because he "had been chair of the family court judges' educational committee" and "had taken on responsibility for some of the case law updates." Ruth recalled her peers and the judicial education staff in her state recommending IFEJE to her by saying "you need to do this," that, "the Supreme Court was paying for a few select judges to go." She related that she "had very little understanding at all as to what it was all about" and thought she was asked because she was viewed as someone "who would be involved in judicial education, enjoyed it, and did a decent job of it." In addition, she liked the location of the Institute that year, Lake Tahoe, Nevada. Juan got a phone call from his boss "so I jumped off the bench" but like Ruth "didn't know anything about it" and didn't really want to do it, but said "when your boss says do something, you do it."

The Institute was recommended to Holly by her peers and the judicial education staff in her state. That year, she was working with a newly funded program, the Court

Improvement Project (CIP), and the CIP committee responsible for training judicial officers across the state had grant money designated for faculty development training. There was a requirement to “have a certain type of training in order to be a trainer for the judicial department” if she wanted to teach at conferences and IFEJE “met this bill in terms of dealing with the whole cycle of learning and making sure you went around the circle and that kind of thing.” In addition, she liked the idea of going to the locations where the Institute was taking place that year.

David was a new judge and had received information about IFEJE from his state judicial educator that sounded interesting as he was ready to learn more about teaching, so he self-selected to attend the Institute. Several others from his state also participated that year. In addition to knowing about the curriculum and the Institute Director’s ability to teach, Caroline had already been involved in judicial education and liked teaching. She said being “interested in getting better as a teacher” made her decide to go.

### *Initial Responses to the Institute*

To understand the participants’ impressions and its impact post-Institute, it is important to know participants’ impressions when they first arrived at the Institute. Except for Caroline, participants’ initial reactions were somewhat dramatic and resistant.

After reluctantly leaving his family behind for a full week at the Institute, Juan reported that he was immediately hesitant in the first session because he was “not accustomed to a program where you are forced to participate.” He said that his initial reaction in that first session, the Welcoming Circle, was “Get me out of here!” Ruth echoed that response when she recalled asking herself questions like “What am I here for?” thinking “I don’t quite understand this” and feeling that “there was a lot of touchy-

feely stuff, you know, self-disclosure and I wasn't good at that and I didn't really like that." She also remembered her realization in the first couple of days about the project work and said she thought to herself "What? I was sent to Memphis and I'm gonna do more work? What have I gotten into?" She described that for those first couple of days she was "not a happy camper!" Paul described a sort of pre-Institute resistance and being "not much of a conference-goer... a bad conference-goer" and said he "really doesn't care for them [conferences] at all and especially don't like ... being tied down."

After those initial reactions, participants talked about some of the unique challenges of the Institute. Juan described that the Institute was "interactive and you have to talk about yourself." He said he was used to settings where lecture was the format and "you just took notes" and that IFEJE was "the most intense experience I ever had in terms of having to participate and share my feelings and talk about myself and talk about what I believe. Initially, it was certainly not something that came naturally."

Holly, who was sole caretaker to her young son and ill mother at the time, was worried about their welfare in her absence. To complicate matters for her, the site did not have phones in the sleeping rooms so communication on the public phone would make regular calls to her family and also their ability to communicate with her difficult. The telecommunication issue increased her worry about how things were going at home. She said simply, "It was hard." Amplifying her anxiety about leaving her family in the care of others, she also felt overwhelmed by the amount of focus needed for the Institute activities. She reported that her own personal style got in her way, that, she "didn't do things unless they were pretty easy" for her. The Institute required her to think in a new way about teaching that was more purposeful, to break all the components down, to

question why she was doing this or that in her teaching and think through the effect each piece would have for the learners. The adult learning theory materials surprised her because she was licensed as a secondary teacher and “was never taught that you were supposed to do any of that stuff.”

Holly also reported physical challenges because the meeting, sleeping, and dining facilities were all in separate buildings, a good distance from each other, and participants had to walk to each of them several times per day. In addition, she hated that participants’ presentations were filmed at the end of the first week and again when projects were presented at the end of Phase II. She discussed how this made her think about how she looked not only in educational presentations but also how she might be viewed in the courts and also how she sounded on tape. She wondered at that time how her presence affected others and also thought about ways she had tried to distract others from her physical presence in the past.

As those initial challenges were met, participants began to talk about what was beginning to make sense to them. Juan said that for the first time in his life he began to understand how others learned and how *he* learned. He began to understand the communication exchange necessary for him to understand and also be understood. He reported new insight into what had been lacking in his formal education in terms of his needs for learning and also why professors taught the way they taught. Ruth reported seeing within the first few days the adult education theory as helpful in her work.

Paul talked more broadly about the challenges and usefulness of the adult learning content, saying at conferences usually he hoped to get just one good idea about

something, but at IFEJE, he got “ten to fifteen ideas of things I could do better. Things I’ve picked up either in the sessions or from discussions with my fellow judges.”

As the first few days passed, a weight appeared to lift and insight seemed to take its place. Paul followed his comment about not being a good conference-goer with how he was able to engage at IFEJE. He explained, “Well, except this one was different. It was engaging at all levels and by far my highest participation at any conference that I have ever been to.” One of the reasons he cited for engaging at a heightened level was that for him, the material was immediately applicable to his work, that “almost every segment, I could take and use.”

David also talked about the content and its immediate relevance to his work, in particular his teaching. After teaching in a university setting for years he said:

[I had] some instinctual ways of teaching, most of which I suppose we’ve learned over the years from the things we didn’t like and the things we did like. But I didn’t have any academic background for that, no way to provide structure to what I was doing. It was just eye-opening for me.

Ruth also began to see that “there were a lot of different ways to teach” and learning about this might be more rewarding for her as well as the audience.

Participants talked about learning from the Institute staff but also talked about value in learning from and connecting to other participants at the Institute. At first, Paul commented, there was “a nice mix of people” but later called attention to the “caliber” of judges he found at the Institute, saying they all were “judges I could admire and would have liked to have practiced in front of when I was still practicing as an attorney.” He described them as having a high level of dedication and commitment to their own performance and said “to perform well in front of that group was a challenge. It made me nervous.”

Caroline also described the people in attendance as an important part of her initial impression, saying she “connected with” them and believed they “were on a different wavelength” as they discussed how to apply law to the facts. She had not experienced this to the same degree at home with her colleagues. Caroline cited the curriculum as one that pushes participants to reflect publicly and stated she believed that facilitated a deeper connection with others, saying:

As you listen to the other participants talk about what went through their minds as they put their [project ideas] interests together, you realize ... all of a sudden you're connecting with people on a level that in your normal work world, it takes a long time to get to that level if you get there at all.

Ruth talked about the presentation on passion during the first few days, and reported that as being her “ah ha” moment. She said that up until that point she had been teaching on topics others chose for her but after the IFEJE passion presentation saw an opportunity to do something *she* wanted to do. At the Institute, she observed those around her developing their passions and people who wanted to “do more than just sit in the courtroom and be a judge.” This was impetus for her to reconstruct her own idea of what characterized a good judge and what it would take for her to become closer to that ideal.

Caroline cited the discussion about passion as most memorable at her first Institute because it made her think about why she had become a judge and it “was really the first time I had really stopped to think about that.” She said the person who talked about passion “just blew me away.” She realized that it was important to think about “what makes you passionate and what, just what gives you energy and drives you to do things.” It forced her to “do a lot of internal thinking” that she had not done in a long time to understand what it was that she was truly passionate about. In addition, the setting, a

Shaker retreat center, stood out for her as an inspiring place to do the kind of thinking and learning she was doing.

### *Faculty Experiences*

For participants who had served as faculty and in other roles related to the Institute such as advisory board members, it took some time for them to separate out what had been their first impressions of the Institute. Caroline and David were continuously involved in the Institute for seven years following their first encounter with the Institute (coincidentally, they were in the same class originally). Ruth came to the Institute when it was under the direction of Krista Johns, just before it moved to the University of Memphis in 2001. She had stayed in touch with Pat Murrell throughout the years and although asked, was unable to serve as faculty until the last year of the Institute, 2006-07.

As we discussed their involvement it seemed easier for them to talk about their most recent experiences as faculty-participants compared to their initial reactions to the Institute. First, these experiences were more recent, therefore fresher to them. Second, they had integrated what they had learned as participants and applied it multiple times by this time, through the execution of their projects and other professional experiences.

All three faculty-participants laughed as they identified themselves as “slow learners” when talking about the length of time it took for them to fully understand and apply the adult development material presented at the Institute. As they talked about it, they depicted their learning and use of the learning models as an evolutionary process. They talked about the difficulty of it, but also the pleasure and reward in it. David summed up this by saying, “I looked forward to going back, Carrie, it wasn’t obligation or duty or anything, I truly enjoyed it.”

Caroline reflected on the difference she saw in her experience as a faculty person.

She said that she saw the curriculum in a new way that:

There's this evolution to it. It's not like the first time you do it, then its, that's the way it is. It's each time you go back to it, you're [thinking] about a different way to explain it or talk about it or do it ... and you're trying to go around the circle, it makes you think about the material in a whole different way... that part of it made it really interesting and exciting.

Then on the difficulty of it, she remarked as she laughed, "Well, it took me a long time to get it" and that "to me it's not very intuitive ... it made sense but it was not intuitive." However, she went on to say that the repetition was important to her, "as faculty, I realized that every time I came back I got more out of it and I understood it better."

David described it also as more of a layering process and said, "It seems like I picked up more the second year as a faculty than I did the first year as a student, and the third year even more again." He described that the repetition was important and that each time the material and challenge of it was interesting to him "Principles, [and] how people learn and the ages and stages of life seemed to make more sense." He went on to say, "We're never through learning; I was never through learning about it ... the breadth and depth ... became clearer each time we did it." He spoke about teaching as a vehicle for learning and way to facilitate deeper learning:

And of course teaching is the best way to learn something so participating in the faculty was a great learning experience. Not just from what you got from other members, but the practice, the actual practice of using, of going around the circle and putting it into place and helping others learn how to do that.

Ruth reflected on how the timing might have impacted her learning and readiness for the material, saying that the second time around she was "hearing some things I don't



think I ever heard before” that, “maybe I wasn’t ready to understand what she [Pat] was saying about some things or what was meant by some things.”

All of the faculty-participants discussed what it felt like to observe and assist others going through this process and what it meant to them and how they saw their relationships with the participants. Caroline commented:

I’ve always felt that as a faculty member that I was a learner, you know, that I was learning that material, learning at a new level, maybe at a different level, but I was re-learning the material again ... So in some ways I was exactly where the participants were.

And on the rewards and also learning from others’ learning process Caroline said:

Being a faculty member allows you to watch participants and how they learn the material and how they absorb the material and it’s different for everybody and that is really satisfying for me and fascinating. It’s really ... just another demonstration of how rich the material is.

This evolutionary process and re-learning of the material that faculty-participants discussed emphasizes the need learners have to “go around” (Johns, 2001) Kolb’s (1984) experiential learning circle. Utilizing this model in teaching, that is, engaging learners in concrete experiences followed by actively reflecting about those experiences, thinking about what they learned, and applying the new knowledge to their work and world increases a learner’s capacity for learning.

David enjoyed “connecting with the new participants and watching them grow” and said that:

Being a mentor also was a great part of the experience. I had one that was really successful, [and another that] I don’t know if I was much help on, somebody that was real independent, self-directive and didn’t want or need much assistance so that was somewhat disappointing for me because I wanted to be more help.

This need to be needed demonstrates Erikson's (1997) stage of generativity, where an individual is ready and has an urge to contribute something back to their profession or others in their lives.

With some humor and a generative spirit, Ruth commented about watching her own experience unfold again as she observed others go through the Institute:

It's just exciting to watch some of those people ... getting excited about their projects, talk about planning their project, hearing them go through the same things I went through ... Now, with years of experience of presenting programs that teach around the circle and everything being able to give them some advice on ... pitfalls to look out for or what to be careful about, I was seeing they were doing the exact same things, both good and bad, that I was doing ... It just built more confidence in me. It's all about me [laughs]."

What Ruth described was self-reflection, an important part of learning and developing.

Faculty had developed their own projects/presentations as participants, but when they returned in their new role as teachers and mentors, they were confronted with new learning challenges. Caroline talked about having to present new material each time:

Each time I was a faculty member, I got a different assignment ... Just this last time, I got to do the demonstration of the lifecycle ... I spent hours on it, hours and hours and hours [laughs] even though I had done it [as a participant] a number of times in small groups. When you have to teach it or model it, it's a whole different thing. So it just lets you get into the material in more depth.

Faculty-participants' descriptions of enhanced and deeper learning as a result of teaching demonstrates again the value in using Kolb's (1984) experiential learning model as a capacity-builder for learners.

### *Theoretical Underpinnings*

All study participants discussed the theoretical underpinnings either after being prompted by the interview question or indirectly as they discussed their other experiences. Most only cited specific terms in relation to Kolb's Experiential Learning

Model (1984). It is not surprising that they did not recall as much about Erikson's or Perry's models because those were not discussed as extensively, and for some, not until Phase II of the Institute. Phase II was the shorter session and the one where most of the participants' focus was on their own presentation. One participant was working so hard to remember the tenets of the models that I had to remind her that it was okay if she did not remember, the interview was not a test of her knowledge! The most important outcome from the Institute's perspective was that participants be able to utilize the theory rather than memorize it.

As Paul reflected about his learning, he compared the type of educational experience he was used to either as a teacher or learner, and this new content area and kind of learning experience:

So the substantive law it, all of us can get down, I think I do a good job at that. The question here, was to me, was presentation, how do you engage your listeners and how do you become an effective, more effective speaker?

Ruth also spoke about her learning and the response she has received as a teacher:

I learned lots of ... things like, how I develop a course, and what kinds of things to put in a course to be able to teach different learning styles. That was incredibly helpful and has helped to make my presentations. I think that's why ... I get requests to speak a lot because I'm not a talking head anymore and there are so many people that are talking heads.

Holly talked about the rigor of the theoretical material, the immersion she went through with the material and project process and how this approach differed from her own:

The amount of revision; I have never been a revisor of anything. I always have waited until the last minute ... and that's what you taught me- this is what you are supposed to be doing when you are revising. You're supposed to be choosing that word for the effect it's going to have on X, Y, and Z. And if it's not the right word, go back and figure out what the word is. What is exactly the color ... image that you wanna get out of that word that you chose for that particular moment.

What's the picture that is going to work with that? You can't just have any picture, it has to be the thing that invokes this particular thing. Are you trying to hook 'em emotionally, intellectually, both of them? How do you make them connect those things? Have you appealed to those people that just want to deal with the math formula? How do you get them all hooked into what it is you are telling them about how to do both technically as well as presentation wise? So ... it was hard ... it was hard to just keep all of that material going ... I'd get confused and would have to go back and look at it again.

When asked about the theoretical models, some of the study participants connected the theories, especially Kolb's (1984) model, directly to their practices in and outside of the courts and talked about its immediate relevance to their work. David said:

I had never had any instruction or coursework or read anything about how people learn. Well, you had it in the Institute and some of that theory was really important. And I came back and put that to work immediately in the teaching that I was doing at the local university ... Now whenever I put together any kind of a program I think about how am I using the different parts of the circle and where will I put them in and how do I pace this out? ... [It's] one of the ways I use to set up a program. I was talking yesterday with an educator from [another state and] they've asked me to come do a program in August. I'm just excited about it and I found myself last night wondering, oh my God, how do I put this together? How am I going to use Kolb's circle? That was new learning for me. I mean I sort of knew some of it instinctively, but no one had ever explained to the underlying theory.

Juan connected use of Kolb's (1984) model more broadly to his work in the court and said:

I also learned how to communicate with people in a way that reaches everyone. I learned that not everyone is able to learn in the same way, and I learned the techniques that I needed to use in order to reach out to people and explain to them, explain things to them in a way that they would be able to understand and appreciate. So I think that that was crucial.

Juan's insight about the connections between learning and how he and others communicate reveals the extent that Kolb's (1984) experiential learning model can contribute to not only improving teaching and learning, but to improving one's professional work, particularly relationships.

Caroline related her experiences in the courtroom to Perry's (1968) intellectual theory. She illustrates how understanding adult development can be helpful to judges as they deal with complex cases that involve people, including attorneys, defendants, plaintiffs, family members, and others in the courts, with varying degrees of development.

Caroline: It is good material in the sense that I think that it helps us see how complicated, to see sort of the layers of the onion ... Judges see so many cases and you see the complexity, the human complexity of these cases. It's not easy to pick out 'oh this is the bad person and this is the good person.' It's much more complicated than that. I think it's very helpful to judges ... to kind of start thinking about that and to also think about the people that come in front of them ... many of whom are very dualistic in how they view things. It helps you to communicate better when you know that you're dealing with somebody who is not gonna necessarily see lots of layers ... and whose view of the world is pretty set. If you could just crack a door open somewhere, that's probably pretty good.

According to Perry (1968), a dualistic thinker is a person who sees the world in black and white and believes there is a right or wrong answer for every question and does not take ownership of responsibility as their locus of control is external. A person who thinks in this way can be problematic for judges when rulings are handed down in court cases.

#### *Locations and ELOs*

*Locations.* Paul commented on one of the locations of his Institute "Well, of course, you just fall in love with Santa Fe, the churches, etc. " And Ruth said about Lake Tahoe, "Oh my God, yes. It was beautiful." Holly spoke about the locations of the Institute when she was a participant by saying, "I was lucky enough I got to be in the one that was in California and Oregon, and it was really beautiful and all the things that were built into that were really amazing." Caroline talked about the uniqueness of the setting in which she found herself at her first Institute in Kentucky, "the Shaker setting and the whole philosophy behind ... the place we were was an ELO in and of itself."

*ELOs: The Concrete Experience.* Ruth did not recall the ELO at her first Institute, but she was clear about the one in Memphis. “I definitely remember what they were in Memphis ... and everything about them ... I remember learning the power of the ELO ... and how you can use that.” She went further to talk about the ELO’s relevance to court issues:

Going through St. Jude and then meeting with Dr. Webby was just incredible. One, to just learn about the institution and what it is and what it means, was just very emotional. Then to hear about this whole topic of the flu and St. Jude’s role in that and his role as a researcher and ... at a time when ... all of our courts are trying to talk about things like disaster planning and what are we gonna do if a pandemic hits? To talk to him about a pandemic and it just all [was] fascinating.

She laughed as she realized “I remember a lot more about that than I do about any of the learning theories” demonstrating the power of a concrete experience.”

Paul remembered going to an adaptive campground where he and other participants had to role play as people with different disabilities setting up and using a camp area. Participants were in small groups as they tried to do things like putting a tent together with blindfolds on or dress themselves in ski wear but not use their leg muscles. Paul had represented persons with disabilities and talked about the experience being a reminder of “the phenomenal things that people with disabilities can do” and how he was inspired and said it “makes you see people in a different way.”

Juan addressed the power of a concrete experience and being motivated to change things around him. He was anxious about going to St. Jude and thought he would be overwhelmed by seeing the sick children there. Instead, Juan reported “it’s not what I thought it would be, it actually motivates you to try to do something about it.” On the civil rights tour of Ole Miss he noted the difference between just reading about cases in a

textbook versus actually being in the place where something historical happened. He said:

You know we can learn in textbooks about the tragedies that occurred during the Civil Rights Movement and all the horrible things that happened and the injustices...Just walking through it, it just brings it to life and it motivates you, ... anytime you see any injustice in your professional life, to change, to try to make a change. So I think that was helpful.

What Paul and Juan describe is how a powerful concrete experience can increase the capacity for empathy. According to Perry, (1968) empathy is a competence present when a person achieves the third stage in his schema, contextual relativism. Being able to put oneself in another's shoes and understand different perspectives is a very important skill for judges who must make decisions that can potentially change people's lives.

Caroline talked about needing time and space with the material to develop and the opportunity to make connections in informal or unstructured settings by saying:

I needed the discipline of being in a setting where I had to think about it ... I got the opportunity to take a very long walk, a beautiful, beautiful walk with [the director] and we talked and talked and talked and talked and I sort of think of that as that point in time when she and I connected in a way that we hadn't connected before.

When asked about the location in Santa Fe Caroline said:

Going to the churches, that was wonderful ... they were so different, and the atmosphere that each one of them evoked or conveyed ... as a place for deep internal spiritual thinking and how each one of them evoked something different. That was great.

*Reflections on Storytellers.* Some of the ELOs were not about a place, but about a person, one who had a story to tell. The storytellers were either linked to the context of the Institute or were one of our own program members. Caroline talked about coming to expect good experiences and the unexpected during ELOs:

They all, every single one that I've done with [the Director] have all been interesting and a wonderful experience in different kinds of ways ... that just stands out so clearly in my mind. And one of the things that stands out—and this was often true of these experiences—was that we sort of arrived there and I thought, oh yeah this is interesting but ... I didn't have high expectations. And then we go to sit down and Harvey starts talking [about his life in an orphanage in the 1930s] and I'm like completely mesmerized by his, not only his personal experience ... but also his ability to tell his story and how deeply it affected me and how deeply it affected other people as well. That was similar to when we went to Ole Miss.

David had a similar reaction to Harvey and further related it to his work in the courts. He described his presentation as an:

impactful presentation and it gave me some insights that I'd never, never thought of before about institutions and how people deal with them, and how he'd done in his life, and also about how well he told his story. How does somebody learn to do that? I don't know how Harvey learned to do that, but my guess is a large part of it was he learned in AA [Alcoholics Anonymous], through listening to how other people told their stories.

Caroline later talked about the storytellers within our own group, those who had distinctive life stories that came forth at one of the ELOs and because of whom she had a powerful learning experience she believed she would not have had otherwise:

Caroline: C. and J. started to talk about what it was like for them and [what] racism meant. It was just unbelievable insight into racism and what racism has been about. I still to this day get chills when I remember ... It was C. who just talked about how he was afraid to come to the south [with the group]. And I had never really thought about that, about 'What would that be like to be afraid to go someplace?' You know, to grow up in this country and actually be afraid to go someplace ... it's just the power of the personal experience.

David reiterated a similar learning experience with the storytellers in our group that year and revealed how it made him reflect on his own life:

Another one that really impacted me was the civil rights tour. I remember coming out of that not only with the feeling ... how terribly we treated the blacks in this country for so long, but that that revolution took place at a time when I was in my early 20s in college, I was unaware. I was behind this pine curtain up in central (his state) going to college. You know, I'm sure I'd heard something on the news



but [I was] uninvolved. I was essentially unaware to this civil rights revolution that was happening in the country. I was not engaged at all.

David later talked about how, as a result of this experience, his current view of activists and people, especially young people, who fight for what they believe is right, has changed. Storytelling and group discussion afterwards are examples of the powerful learning experience through concrete experience and reflective observation, particularly if the listeners have established a relationship with the person telling their story.

Holly talked about the use of literature and place to create learning opportunities. She said she had “never had really thought about reading a book and being in the place that it occurred” because books were never written about the place she lived. From her experience of reading *Cannery Row* and then going there and having a whole story about it be made real, she thought about how she thinks and visualizes events and how she “had constructed it to look in my imagination.”

*Structured Reflections.* AT IFEJE, either formal or informal structured reflections were built into almost every activity so participants could process their experiences and relate them to the Institute teachings as well as their own life or work. In the interviews, most participants recalled the formal structured reflections or processing after ELOs.

Caroline talked about learning from others’ experiences and how much more she got from her own experience when the group processed their experiences in a structured setting post-ELO. She described increased insight and skills as a result:

How important it is to have a conversation after you’ve gone to someplace like that, to have the conversation about what was this like for me and what was going on ... It makes you understand how important it is ... to have a shared experience with other people. You are all at the same place at the same time and you see the same events. Then the processing part of it because people process it, your own processing gets even better. You start to see things that you might not otherwise have seen.

She also talked about the structure and the importance of support at the processing sessions. “The importance of being all together in the same space ... To have a space that supports that and doesn’t leave people feeling ... vulnerable.”

David also commented on the worth of reflection in the processing sessions. “I’ve certainly become a great believer in that. This part of the ELOs ... was such an important part of the IFEJE in my view ... actually experiencing what you can do with a learning opportunity, the reflective time about it, discussing it afterwards ... was a really important piece.” These structured reflections in a safe environment demonstrated how to support participants’ learning and aided them in building relationships, a task described by Erikson (1997).

### *Projects*

Each study participant successfully completed and implemented his or her IFEJE project. Because of confidentiality, participants’ names are not listed with their projects. Following is a list of the general topic areas of participants’ projects:

- Termination of Parental Rights/Custody
- Constitutional Rights and Parenthood
- Pro Se Litigants
- Wellness and Stress
- Alternatives to Incarceration of Juveniles
- Teaching Parents about Alcohol and Drug Safety

*Passionate and Personal.* Several of the participants used the words passion or personal as they began to describe their projects. When asked about his project, Juan began by describing himself as a “passionate person” and one who “feels deeply.” He

then talked about a project he had been working on without the approval of his court. He disclosed that he “actually used to hide it from the supervising judge so they wouldn’t give [him] a hard time about it.” But the project, a problem-solving court for juvenile girls, was something for which he had great passion. He described that when he arrived at IFEJE, nothing was in place in his jurisdiction to help girls who found themselves in trouble and in his courtroom. He emphasized these were not adults, but girls, and it made no sense to him that they were put in jail for a few weeks and then put back on the streets to commit the same crimes over and over again. He talked about a fledgling program he was running that connected the girls with resources

Juan: When I first went down to the Institute, it [his project] was a very small, I mean really informal program that I had developed myself with no resources other than just bringing these women back to my court and just begging and pleading for programs to like get them services and just doing the best I could.

His IFEJE project formalized that help.

Juan: I had this idea that we could institutionalize it and we could have a problem solving court that would deal specifically with young teenagers charged with prostitution-related offenses ... I was gonna start a special problem-solving court to deal with young women charged with prostitution that would, rather than sending them to jail, would ... provide services. I always just had this dream, this goal of really making it a part of the court system and even going beyond that, of changing the perception in the criminal justice system that these were criminals, that these girls were criminals. And we have now...we have done that.

His county has created the first problem-solving court for teenagers charged with prostitution.

Ruth also saw that her passion could fulfill a need not only in her community, but on a national level. She said:

Talking about passion, what I always wanted to do and what I was passionate about was this issue of racial-profiling, which I’d always felt very strongly about

and I didn't think there was any judicial education anywhere in the country on it and there wasn't.

She had a sense that racial profiling was happening but no one was paying attention or wanted to tackle this controversial topic but said she “knew it did happen, I just knew, I just knew in my gut it was happening, I knew from my own experience it ... was happening.” Because the Institute required a project and she had support for any project she wanted to do, she took on this issue and wanted to address the problem and the fear she perceived surrounding it, to “help other judges see that it *was* happening and it does impact the criminal justice system and the perception of the criminal justice system.”

David described being in a place in his life where change was occurring and he was actively reflecting on those changes. He was grappling with how he could balance all that was before him and said that his personal situation “was the seed for me deciding on the project that I would undertake; I didn't have that in mind when I went there, but that became the seed for it.” He also saw this as something other judges needed. He remembered out loud:

IFEJE was saying you need to pick a project, da da da da da ... I'm thinking well I might as well do something I'm interested in and see what I can do with it cause I can't possibly be the only judge going through this balancing process as we take on this new job.

It took Caroline a while to connect her personal experience as pro se litigant to her project topic choice. As she worked on this topic it was a reminder of why she had gotten into law in the first place. She described the enormity of the work necessary to do her project and how it differed from her normal work, the change of pace and thinking it took to do “something that's more of an in-depth study about a particular issue.”

However, she found a community of others concerned about this issue through her

research and through the process “put an enormous amount of work into my project and it was very satisfying ... a great sense of fulfillment and ... very rewarding.”

Paul talked about how the Institute allowed him to zero in on an issue and come up with a solution to it:

Putting the information together for my project and realizing how much goes uncollected and what a difference it can make in a poor child’s life set me to thinking about better ways to do things and a better way to do it was to have it [child support] collected here [in his court].

### *Mentors*

Holly talked about a strong connection to her mentor “I felt really connected to her ... that was an incredible match for me.” She wondered aloud how we were able to place her with someone so compatible. She talked about still referencing her mentor in current projects “even now, you know, if I’m, if I’m getting ready to do something or thinking about a big project that I would like to do, it’s like God, I wonder if [my mentor] would look at that for me?”

David spoke about having a genuine fondness for his mentor, about receiving support, but in a less directive way and how that worked for him: “he was just wonderful, I mean he was so supportive of my project and had some good suggestions and he was real non-directive. I liked working with him. He was a great mentor.”

Juan said his mentor relationship was one of the best experiences and one that surprised him. He said it is easy to talk about the good things you do or think, but not the bad things, “the things you try to hide.” But he said “by the second session I was talking to J. [his mentor] about things that I probably hadn’t talked with anybody about but my wife. And that was a little bit strange; I never expected that.” He went on to say he felt that it was good for him to open up and share in this way because it made him realize that

1) it is good to talk about these things and 2) that others were facing some of the same issues.

Paul and Caroline did not work closely with their mentors and Ruth only talked about her experience providing mentorship. Paul said he had little contact with his mentor in between sessions and liked working more independently, that he was “not real needy.” Caroline said she had little to no contact with her mentor until the night before she presented her final project to the group. She said at that point he was helpful to her in getting a troubling piece of her presentation worked out. She said the lack of involvement with her mentor helped her organize an effective approach to mentoring when she served as Consultant Mentor for the Institute. She created a plan that included structured opportunities for mentors and mentees to meet, brainstorm about topics, and deadlines for getting outlines and final projects completed.

#### *Back to Reality and the Ripple Effect*

Once the projects were presented at the Institute, it was time for participants to take their learning and projects and implement them back at home in their courts or state court systems. All reported various types and amounts of what the Institute refers to as “the ripple effect”, that is, expected and unexpected consequences of the Institute’s teaching and requirements. For some, the ripple was professional, affecting their roles as judges, employers, and judicial education committee members. Others experienced more personal ripple effects.

*Personal Ripple.* For Ruth, she began to say no and hone in on what was truly important to her. As soon as she returned from the Institute, she went home and resigned

from several organizations with which she was involved and began to focus only on the things she was passionate about. She said she told herself:

If you want to make an impact you need to do what you're passionate about and really say no to the rest. I went home and drafted out letters of resignation to probably eight different organizations I was involved with and called them and said, 'look I'm really sorry, I like your organization, I like the work you're doing, I just I can't ... I'm spread too thin, I really need to make some choices.'

She laughed as she mentioned thinking "the world would cave in when I did that" but said "It didn't." She talked about going forward after that and molding her professional life around things she was really passionate about and said "as a result I enjoyed every minute of it. It wasn't work, it was fun, it was enjoyable." What Ruth described was Erikson's recurring themes of identity and generativity. In pursuit of her passion, which is a large part of who she is, she is able to finally connect her deepest needs with the needs of her profession and her community.

After completing her IFEJE project, Ruth found her passion taking her in a new direction. She decided to tackle an old problem, underage drinking, in a new way. She said:

I had another issue I was passionate about in my community and that was underage drinking and parental participation in underage drinking ... what was happening in my community I found was happening all over the country. So through that program that I developed again with the skills I got at IFEJE, and this confidence I could tackle any sort of thing I was passion about even if there was nothing in that area and nothing was addressing it, I could step forward and address it, so I developed a program then called the 'Wrong of Passage' that had ended up winning national awards. It was really the first parental education piece out there and that was really not in my role as a judge, although as a judge I got a lot more air-time.

David talked about a deep sense accomplishment and how it opened up a new world he could not have imagined prior to the Institute.

David: The very doing of it gives you so much confidence, so much self-confidence about what you can do, what you're capable of doing. Nobody, nobody would have been able to predict the way that grew for me in terms of opportunities for programming and doing presentations. That certainly wasn't my goal when I started.

He also described a newfound belief in himself as leader, educator and presenter:

There's a belief, I'd call it self-efficacy, but just the belief in what you can do. I know that I am very confident that my presentations are something that I've figured out a way to do and I can do them well. I know what it takes to do that. That's just a wonderful benefit. Then there are leadership things like how do you work with a group ... I'm a much more effective teacher, presenter, leader now. I'm much more confident in my ability to do teaching and leading and presenting. It was because of IFEJE and the actual experience of doing those things.

Out of that confidence he found a new voice and that his own personal story could be used to impact others, much like Harvey did for him. He said, "personal stories I've found to be very effective ... I would've been real shy about personal stories until I understood the power of them." As we remembered his telling his own story at a national conference, he remarked with some satisfaction, "that was a powerful moment, wasn't it?"

David also described taking his project to other states, which was sometimes a test of his abilities, but said:

I didn't know if I could do what A. wanted but I changed the presentation for the audience of experienced judges and went and did it, and that grew into other invites and [with] each one I grew a little more confident about what I was capable of doing and how I could impact people. And that led to branching out into some other things. I put together other programs on social intelligence, emotional intelligence, resilience, and those evolved out of that initial balance project that I did.

Holly talked about self-awareness and acceptance and how that has impacted her personal and professional life. She made a remark about the differences between herself and other judicial officers, as most are older males and said "I have become more aware



and more accepting of the fact that in many ways I am a different kind of judicial officer than most of the people with whom I serve.” She believes she has changed in the years since IFEJE and said:

I think figuring out some things stylistically about myself, with all of that has been very helpful, I think it also has made me a better parent because I wasn't aware that you sometimes have to break things down to very small pieces and so I was likely to give somebody instruction that takes five steps and then be irritated because they only did step one because they didn't hear step two, three, four, and five.

The self-assessment and awareness she described relates to further identity development as a judge, colleague, parent, and teacher. In addition, she describes how the Institute has helped her in relationships. Resolving tasks that have to do with identity and relationships such as personal integrity and respect, interpersonal relations, vocation, and a person's place in community, are part of the recurring themes Erikson (1997) discusses.

Holly talked about other changes she sees in herself, organizational skills and in terms of being empathic and open:

I think it has helped me in some ways with boundary issues and I think it has also helped me a lot in terms of organizational stuff ... I can see subtle shifts in terms of what I do and what I have done in the past. [I have] been able to listen to something that happened ten years ago and think, I don't think I would do that that way ... because now I am having to enforce it or deal with it. [Sometimes I] think, I remember when I was thinking on this one and that wasn't right because that was based on this perception and that perception and that wasn't accurate ... I wished I'd asked about this or been open to hearing this. I think [IFEJE] changed a lot about that. It's changed some of how much I resist whatever the first impression is.

And then she talked about how that affects her courtroom: “I really do try to do that in my courtroom. When I can feel discomfort, to try to figure out what it is and change it ... before, I didn't do that.” Thinking about one's own thinking and the ability to empathize

demonstrate the skills present according to Perry (1968) when a person has achieved the level of contextual relativism.

Paul spoke about how the other participants had an effect on changes he wanted to make and how this affected his personal and professional life and perhaps long-term health.

Paul: Meeting so many different judges gave me a chance to rethink some things that I needed to improve upon. And so I started doing meditation and becoming much less agitated on the bench. And become pretty effective, in fact some attorneys believe I'm scarier now than I was.

He went further to say:

I'm always looking for ways to be more effective or to cut down on things that are not effective for me and just being exposed to people there made me realize that my performance as a judge should probably, that's probably a major area that I needed to address. It wasn't good for my health, not good professionally. I started doing some meditation and that was between Colorado and Santa Fe, so by the time I went back to Santa Fe, I was pretty much, not all the way, but pretty much committed to doing things differently. But for the most part it works. In previous situations I would have lost my temper in 100% of them out of 100 of them. Now, it's probably around four or five.

Paul's description of incorporating meditation practice to reduce his anger suggests he applied Kolb's experiential learning model as a way to make changes in his life. He also shows how community and relationships contribute to personal and professional satisfaction and importantly, well-being.

Juan directly answered the question about his personal development since IFEJE.

He said:

With respect to my own personal development, I am a very emotional person; I am a passionate person. I believe things very, very, very deeply, and I feel things very, very, very deeply. And that's good and bad ... it sort of motivates me to try to change things that I think ought to be changed. I stay up at night. Things bother me and I feel them deeply and I can't let them go. What I think my experience at the Institute permitted me or allowed me to do was I, I've always felt these things very deeply but I was never able to share them. For example, if I were to become

emotional on the bench ... because of some ... testimony about some horrible tragedy someone had suffered and it had bothered me, or if there was some tremendous success where some kid just raised him or herself out of the gutter and did a great job in overcoming obstacles, I would get very, very emotional and I would feel the tears welling up ... and I would step out to the back,' because I was never comfortable sharing that with anyone because I always considered it to be a sign of weakness. What I did at the institute, what I, what I learned to appreciate is that there's nothing wrong with that. So now I don't step down and I've come to see it as not so much a sign of weakness but as a sign to others that, an indication to others that I really do feel this, this is not, I'm not a phony. I'm not just sitting up here, I'm not a robot, I'm not a machine; I am a real, not only a real human being. I think that's also something that that came out as a direct result of my experience there.

He also talked about a long-held fear of public speaking that he has overcome

because of his project and experience at the Institute:

I still am to a certain extent, but not as much, terrified of public speaking. I would do everything in my power to try to avoid it. I don't know exactly why, but as a result of my experiences at the Institute and because of my project, after that I went on the lecture circuit. My project, was so well received here in [his state] that I was asked to speak over and over ... I mean I have spoken everywhere, I've traveled, I've gone out of state to speak about this topic. People ... are calling me the '[his topic] expert'. As a result of doing that [speaking about his topic to many audiences] ... I think I am where I am now as the Administrative Judge. So there's the whole public speaking persona that I've now developed. It's something that, that just wasn't who I was five years ago.

For the most part, the personal ripple effect participants experienced was

unexpected and positive. The outcomes included: pursuit of their deepest passions that then allowed them to contribute more of themselves and their talents to work and family; solving problems in their personal and professional lives; a greater sense of focus, confidence and well-being; developing important skills for empathizing with others; and becoming better parents.

*System-Wide Ripple.* Many of the benefits of IFEJE were individual because of the nature of the program. However, study participants spoke about system-wide effects in which they participated or were able to identify once they had completed the program.

Ruth spoke about recognition of IFEJE graduates out in the field.

You can kind of always tell if somebody's been through her [IFEJE Director] training. Because, ... and I'm not trying pat myself on the back, but it's just a whole different caliber of training that they're able to do. And I think because of that, because the training is so much better, the presentations that we get are just so much better. We are hitting all those learning styles and we're passionate about what we're teaching ... then judges learn more. They get more out of the class and we get great reviews, I mean the gracious compliments when you get these evaluations back and they say things like, 'Wow I never thought of this before and it's so helpful and I'm gonna take this back and use this right away.' That's what makes it all worthwhile.

David incorporated his project into the new judge orientation in his state, and it continues to be part of the training. He also has published about wellness and stress in the judiciary and "was published in the *Bench and Bar* which is [his state's] Bar Association magazine."

Caroline talked about utilizing the material in other roles, in addition to her judge position and how that effected her leadership and communication skills:

It's a wonderful tool ... it has become a tool that I use in lots of different contexts. For example, meetings ... Instinctively I had understood pieces of this but had never really had a theory to support it. But once I understood the theory, then I was able to emphasize it even more so that putting together for a meeting and doing it in a way that people would have ownership of the decisions that were made during the meeting became a whole new process. I also used a lot of teaching in my work on the bench particularly with pro se litigants. It's not quite as easy to apply all of the pieces, but if you take the time to do it, it really makes you much more effective at communicating with people and ... getting them to give you the best of what they've got.

Paul discussed a different kind of ripple for his state: increasing resources. After completing his project, he came up with a new tactic for collecting child support.

Through his project research he learned that "62 % of kids under the age of five in [his state] live in poverty." After learning that, he made a commitment to make life better for at least some of those children and "started doing things differently in court. We now

have people who pay their child support here each and every month.” He said his court has an “express window, and the deal is that you meet my...secretary and pay her the money or they can come in here and talk to me if they don’t have it.” Other courts in his state are following suit and since “July 1, we have brought in, just in my courtroom, \$40,000 in cash ... It went from four or five [payees/parents] when we started out six months ago and I think the last count was we had 35.” He said it can make the difference of “Dad being able to put the food on the table and not being able to put the food on the table.”

Most participants might have anticipated one of the system-wide ripple effects and it is likely their colleagues at home expected this, that is, improvement in their teaching abilities. But other ripple effects they might not have anticipated include: long-term research and publications stemming from their projects; enhanced leadership skills that contributed to promotions and other professional rewards; and saving their states’ resources while making poor children’s lives better. For the most part, though, the professional ripple effect participants experienced was unexpected and positive.

#### *Other Topics Discussed*

Within the context of the interview questions, study participants were sometimes divergent, if not on target with the subject at hand. David brought up the nature of being in a profession where many people are counting on you and sometimes literally life and death situations. He spoke about the unique nature of what happens in the natural career life of a judge and how that can be supported or invigorating and debilitating, depending on the person’s ability to cope with unforeseen stress:

There's a cycle that judges go through. When they first come on the job, they're excited and they're challenged by it, but their concerns are about substantive law and procedural law. They are wondering, how do I do this, how do I do that, how do I not make mistakes? They're unaware of the stressors of the job that continue to mount up and then one day they realize that they've got a lot of stress going on and they can't figure out why because it's the same job they were doing when they started a couple years earlier. The stress builds up over time and accumulates its wear and tear.

He identified the accumulated stress by saying:

There's the vicarious trauma aspect of listening to horrible things that harm people's lives. There's just the un-ending burden of dealing in a system where it never stops coming at you, no matter how hard you work. Judges have the administrative problems of dealing with staff, not enough funds, health problems, and all of those things which are part of normal institutions and human beings. I don't want to say that those stressors are greater or more than what people in other jobs have and certainly there are a lot of stressful jobs in the world. What's different is the chronic stress that sneaks up on judges. They are not aware of the wear and tear that the everyday stressors create in their lives and they don't wake up until something critical happens like a heart attack. Those who handle the stress best are clearly the ones who had the most balance in their lives. The most resilient people are the ones who have the most balance. If there is a single factor that, based on the studies that I have done is, that is the most stressful for judges, it is the isolation. It's a very isolating job ... What they do is without any consultation, without any help from others, without any group participation, without any ability to discuss or share much of it because it's so confidential and they have such major impacts on people's lives.

Holly spoke about a shift in her thinking as she deals with the weight of her job, instead of trying to solve all the problems at once, "Incremental change is much more important than it used to be. If it just shifts the milieu, then we can work on the next millimeter the next time."

Caroline saw understanding the cognitive theory taught at the Institute as helpful to judges in dealing with the day-to-day barrage of problems and seeing incremental change as some measure of success:

[Cognitive theory] is really helpful to judges to kind of start thinking about that and to also think about the people that come in front of them, many of whom are very dualistic in how they view things ... It helps you to communicate better

when you know that you're dealing with somebody who is not gonna necessarily see this as lots of layers ... and whose view of the world is pretty set. If you could just crack a door open somewhere, that's probably pretty good. But you may or may not be able to do that. It makes you feel less like it's your responsibility—you know judges are always looking to try basically to rehabilitate people. I suppose that's your dream. These people that do bad things, you're gonna make them better people. You see the world through a very different lens, [and that] you can lecture them all you want, [but] you're not gonna change the way they view the world.

*Is IFEJE Different?*

The last question on the interview protocol was “What, if anything, is different about IFEJE?” Paul recognized IFEJE as the first time he had the opportunity to learn about adult learning theory. He agreed that the course was a bit longer than others he had attended, but said, “But it was good, it gave us really an opportunity to think about the material, to incorporate it, to do some trial and error.” Upon his completion of the program he said his curiosity and desire to learn continued, “Even when I came back from Santa Fe, I didn't just put it on a shelf, I learned some other things.” His last remarks about the difference between IFEJE and other programs was IFEJE was “much more challenging” and relevant. “Rather than being fed information, it was a combination of being exposed to information and being given immediate opportunity to use that information for a purpose that was of importance to me.”

When asked if and how IFEJE was different, Holly also noted a different format at IFEJE and said:

There isn't another kind of education that even, that I've been to that even looks like this. It's all, you know, here's what the statute says. I've been in CLEs where I've had judges stand up and read us statutes.

Paul added that the kinds of people he met at IFEJE were different from his prior education experiences:

What I remember most is just being impressed by the caliber of the judges from the various states. I've been in groups when you have some judges at a very high level from other states say things that I think are fundamentally wrong and wrong-headed. [IFEJE] was a group that for the most part were thinkers, they were people who deliberate, who took their positions seriously, took themselves while with a huge dose of fun, but took their responsibilities seriously and wanted to do the best job that was possible ... sometimes you get a lot of exposure to judges who are just sucking air.

David summarized by saying:

It's such a marvelous combination of things as I've thought about it over the years ... getting away in an atmosphere where you're gonna spend some time with others who are interested in the same things. There's the reflective part, the opportunity to spend time doing that, the component that's giving some background and knowledge about how people learn--something I never had before.

### *Final Reflections*

At the close of each interview, I asked participants what they would like to add.

Paul reiterated the challenge and relevance of the program's content for him:

It had everything I needed to lay down a challenge and to force me to look at what I was doing ... I use the term challenge, but it wasn't intimidating. It didn't seem that it was so lofty that I could never incorporate these rules that they weren't connected to reality. It was things that I can do, that I knew I could do better or differently, I just had to take that information and use it to my advantage. You couldn't ask for more than that.

Caroline reflected on her sense of purpose within her judicial role. "Prior to the Institute, I hadn't come to terms with why I was doing this work. And it really helped me come to terms with that." She went on further and said, "I think my experience at IFEJE taught me that there were bigger reasons why I was doing this." Then, she cautioned:

The program is not for everybody who becomes a judge. You really have to be willing to think a lot more deeply about what you're doing and where you're going and be kind of open to thinking about that and talking about that and excited about what ... comes up for you.



David said the Institute happened at a good time for him, “I was in a change place in my life and IFEJE provided some wonderful time away for reflection and thinking about things in a different way.” On his project he commented that:

My project [life balance] was something that I was interested in. I made that my project, and it grew into a lot of other things over the years. Parts of that experience included making good friends to the point of life-changing events for me.

He called the experience of the Institute and his project “a growth-producing thing.”

On a very personal note, Ruth talked about the balance it helped her achieve:

If I had not gone through it and if I was continuing to say yes to things just because people ask me to do things and I’m a judge and I should do those things, I would be so overwhelmed and so stressed, I would hate coming in everyday ... Personally it made me realize I need to follow my passion in my work and I need to have a good balance because I’m just not gonna be a happy person without that balance ... I wasn’t a very happy person when I first started at IFEJE ... It just gave me the confidence, it gave me my professional life, it gave me my personal life as well. It’s made me a happier person ... I loved everything about it.

Juan said:

I’ll tell ya, and I mean this sincerely, it is one of the best- not one of the best- THE (emphasis) best educational experience I’ve ever had. I am now one of the top judges in [my] state- I don’t know if you know that. I have now surpassed what J. [his boss when he came to IFEJE] used to be. And that happened after my experience at your Institute.

In addition, he said three separate times in his interview: “It has been a life-changing experience.”

The funding for IFEJE ended in 2007. Caroline and David, who both served as faculty and on the advisory board of the Institute, each expressed anxiety and grief over the loss of the Institute. Caroline said:

That’s very distressing and discouraging because you know we’ll retire and there are new ones coming along. You know, you can’t really imitate this experience. It’s not an experience that you can have just by handing people a book to read. You need the time, you need the kind of retreat part of it, you need the exposure

to the material with a group of people who are also trying to struggle with it and make meaning out of it. You need the actual investment in a project. I worry about the fact that the program isn't there anymore. It makes me very nervous.

David added, "It is a great loss that it isn't still there. I feel sorry for all the new judges coming along that don't have the same opportunity." He went on to describe the budgetary difficulties in his state and how that negatively impacts judicial education programs there. He said he worries that short-term needs take priority over support for education programs that can sustain judicial education needs long-term. Ruth also talked about the state of the state courts:

You know what's happening in the field of judicial education right now is that people aren't coming to the Judicial College because they don't want the expense of traveling and more and more judicial education is becoming regional and just state-based.

David ended with "this is a wonderful program. It's had a great impact on my life professionally and personally and I wish it was still there for people."

#### Archival Data Summary

The archival data, which included the annual Institute evaluations, the Impact Evaluation, and emails, corroborate the interview data.

Comments found in the Institute evaluations captured participants' immediate reactions to IFEJE as they were departing from Phase I and Phase II each year. Their responses echoed statements made in the interviews. Examples include one participant's reflection that "the processing of the ELO was an important discussion ... The effects of this part of the program will be lasting." Another responded to a question about what they were taking away from the Institute experience by saying simply "greater self-confidence." When discussing the overall result of the Institute another remarked "The IFEJE experience is life changing in so many ways."

Younger's Impact Evaluation (2004) referred to judges' increased happiness and health, greater authenticity, self-confidence, and freedom in their work and lives, and a focused view on their personal and professional futures that included intentions to positively impact their fellow judges, their communities, and the judiciary's role. The interview data make these same claims.

Emails demonstrated participants' desire to continue their connection with the Institute community and described various instances of participants experiencing the ripple effect of their learning and accomplishments from IFEJE. One participant wrote, "We just completed our second Justices Teaching Institute and received rave reviews again. I cannot thank you enough for your encouragement and the wonderful tools you have given us to tackle this educational program." Participants also wrote about the impact IFEJE had on them as individuals: "I have been to many conferences and I can say this is the only one that has had a profound effect on my life."

## Chapter 6: Conclusions, Implications, and Recommendations

In this chapter, conclusions from the study, including themes that emerged from analysis of the data, implications for judicial education and more broadly, continuing professional education, and recommendations for practice and further research are presented.

### Study Summary

The purpose of this study was to understand the role that participation in IFEJE played in the personal and professional development of six judges who attended the program since 2001. Using intrinsic case study as the methodology, the in-depth, semi-structured interviews that served as the primary data source asked participants to reflect on the reasons they attended IFEJE, their perceptions about different aspects of the program, and what their experiences were post-IFEJE. What I proposed to glean from their responses was whether they experienced personal and or professional development as a result of the program and if so, whether IFEJE was truly unique, as I believed, and what aspects of the program participants identified as having a “compelling uniqueness” (Stake, 1998, p. 92; Creswell, 1998).

The small but diverse sample of six judges were chosen for the study because I saw them as experts on the topic of IFEJE, based on their continued involvement with the Institute and or their success with their projects. Because of their involvement and successful implementation of their projects, I believed they could provide rich detail and the greatest depth of information in terms of my study of IFEJE. However, the selection process was not completed without some challenges. Scheduling was difficult due to work commitments and time zones. A greater challenge was finding the right

combination of IFEJE experts who could offer different perspectives based on the selection criteria which included gender, court location and type, experiences with teaching, judging, and professional development, and who were committed to judicial education and judging.

Because this is a case study, it is of the utmost importance for readers to have a clear understanding of what participants experienced from the time they applied to the IFEJE through completion of the program. Chapter 4 was dedicated to creating a context whereby readers could become participant-observers to gain as close to first-hand knowledge of the Institute as possible. To accomplish this, the leadership definition, participant learning objectives, participant/faculty selection processes and qualifications of program staff were presented. In addition, an in-depth account of the content, process, and day to day activities of participants during and in between Phase I and Phase II were detailed. Institute dates, locations, and other specifics including a sample agenda and timeline for the IFEJE were provided to serve as a framework so readers might grasp the intensity and commitment required of participants.

Member checks were completed and archival data collected over time, much of it prior to the formal initiation of this study, was examined, triangulating with primary data to ensure trustworthiness of the study.

### Conclusions

In some ways it was easy to identify what was offered to participants at IFEJE by contrasting IFEJE with what they were accustomed to experiencing in continuing professional education opportunities. Two of the participants talked specifically about passive or no participation in past educational programs. Also described were programs

offering mostly lectures or “informational updates” as Cervero (2000) described in Chapter 2. As Juan put it, “I was much more involved in lecture type settings where people just throw out concepts at you, facts at you, and you just took notes.”

As for their own teaching and presentations, Paul described that content was what he had been most concerned with prior to IFEJE and that “substantive law, all of us can get down [and do that]. I think I do a good job at that.” But what he had not really considered or been challenged to do as he put it, “The question here was presentation, how do you engage your listeners and how do you become a...more effective, speaker?” Holly talked about doing what was easy and had been acceptable prior to her experience with IFEJE. She knew she could entertain the audience, but, like Paul, had not yet challenged her own delivery methods and effectiveness. “You know I can stand up and talk for an hour about anything and it was entertaining and sometimes pretty content free, but I could do it and people liked it because I was sort of a break.”

Ruth’s disconnection in judicial education experiences was with her own subject matter interests and more significantly, as she found out through her involvement with IFEJE, her passions. She described a habit of taking on everything requested of her by others and not deciding or being connected to what was best for her own learning or the learners she was charged with teaching. She related, “I had been asked to teach a lot but I never had any say in what I taught [laughs] and I was just, they’d call and say, ‘Ruth, we need somebody to teach this subject’ and I would say, ‘ok,’ and I’d pretty much do a talking head kind of approach.”

All of the participants who had not been faculty at IFEJE described quickly seeing within the first session that this program was going to be different from their past

educational experiences. Caroline and David did not talk about their very first IFEJE experience as being somewhat disorienting, but Ruth discussed this extensively. Those who described IFEJE as a most unfamiliar experience also told about their quick acclimation to the rigor and culture and affirmative response to the call for connection, with themselves, with others, with the material, and with their work, and in a way that they had not engaged before. From that, they shared the fruitful harvest as a result of their connection and engagement. As David put it, “Nobody, nobody would have been able to predict the way that grew for me in terms of opportunities... That certainly wasn’t my goal when I started.”

Of course, what the participants said about their experience at the Institute was enlightening for me and I must say rewarding as the former project coordinator of the program. I began the study with the idea that something positive had happened for most of the participants who completed the program. But until I completed this study, I did not understand the full scope of impact the program had for these individuals, and not just the discrete incidents of transformation such as losing 100 pounds or climbing to the next rung on the court ladder of success, but the distinctive significance IFEJE had in these individuals’ lives.

As I tried to piece together the puzzle of data by coding and categorizing the texts, I found overlapping categories. For example, the word passion came up several times, but in different contexts. One participant talked about being passionate about his project initially and how that motivated him to work on his project and make what he believed to be a successful project, but then also talked about how he was a passionate person, but

how he had relegated his passionate self in the context of his work. So was passion a theme? I wasn't sure.

Another example of a common category was the word learning. Because IFEJE was a faculty development program, awareness of learning was a key factor in just about everything they experienced and appeared to be a theme. But was it really? It seemed too obvious. I believed that there was something bigger than learning or an idea that expressed their experience and what came out of their experience more completely.

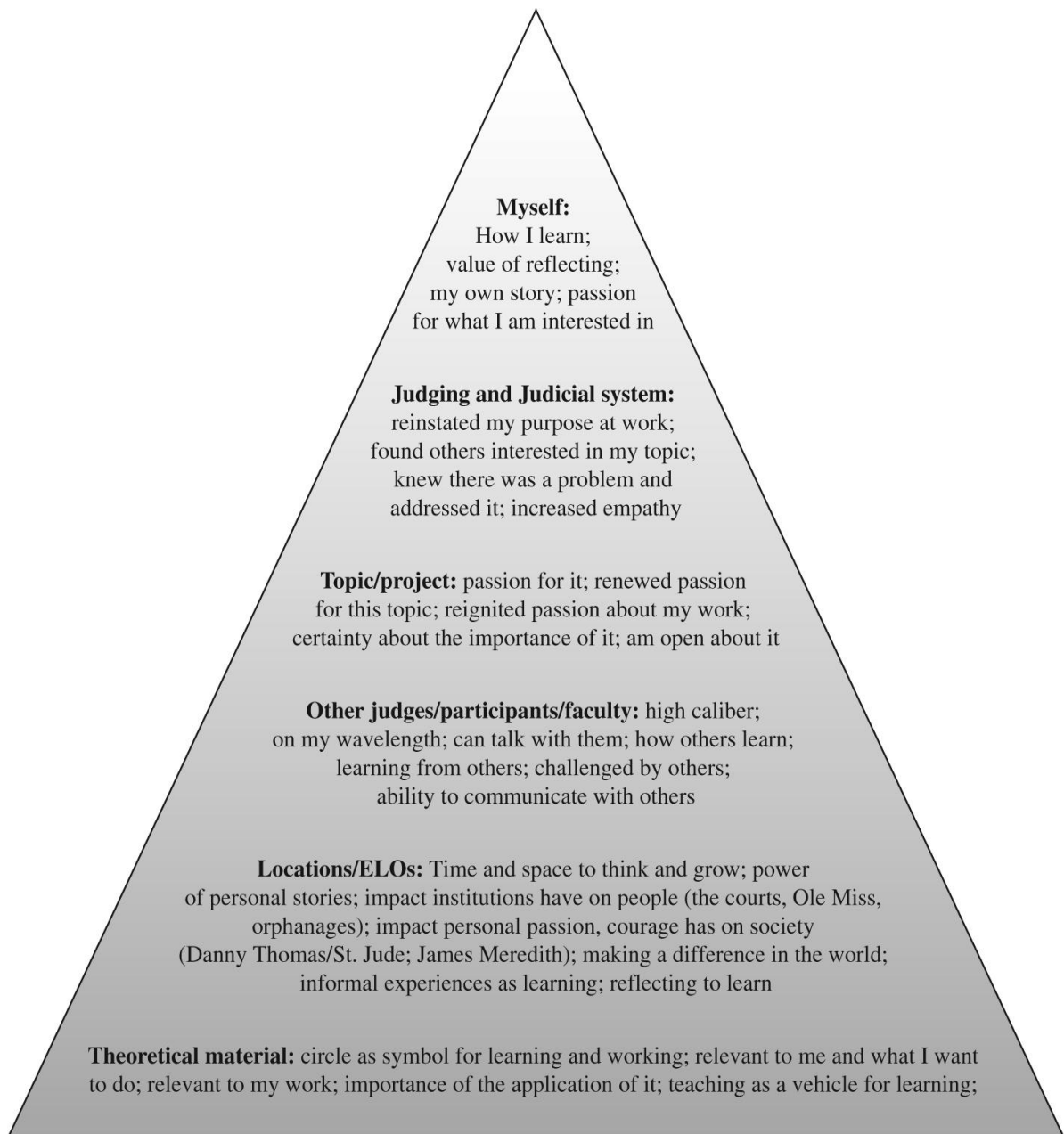
From this process of analysis, I concluded that there are two themes that encompass the outcomes these IFEJE participants experienced: community and self-efficacy. Merriam-Webster (2010) uses the following phrases to define community: “a unified body of individuals; people with common interests living in a particular area; a group of people with a common characteristic or interest living together within a larger society; a group linked by a common policy; a body of persons or nations having a common history or common social, economic, and political interests; and a body of persons of common and especially professional interests scattered through a larger society; and 2) joint ownership or participation, common character, or social activity.”

The phrase self-efficacy is not defined in the Merriam-Webster dictionary. However, this source defines the word efficacy as “The power to produce an effect” (2010). Using this meaning and adding the word self to create the phrase, indicates a self that has “the power to produce an effect.” The Concise Oxford American Thesaurus (2006) lists several synonyms for the word efficacy, beginning with “effectiveness” (p.252). “Success, productiveness, potency, power, benefit, advantage, value, virtue, and

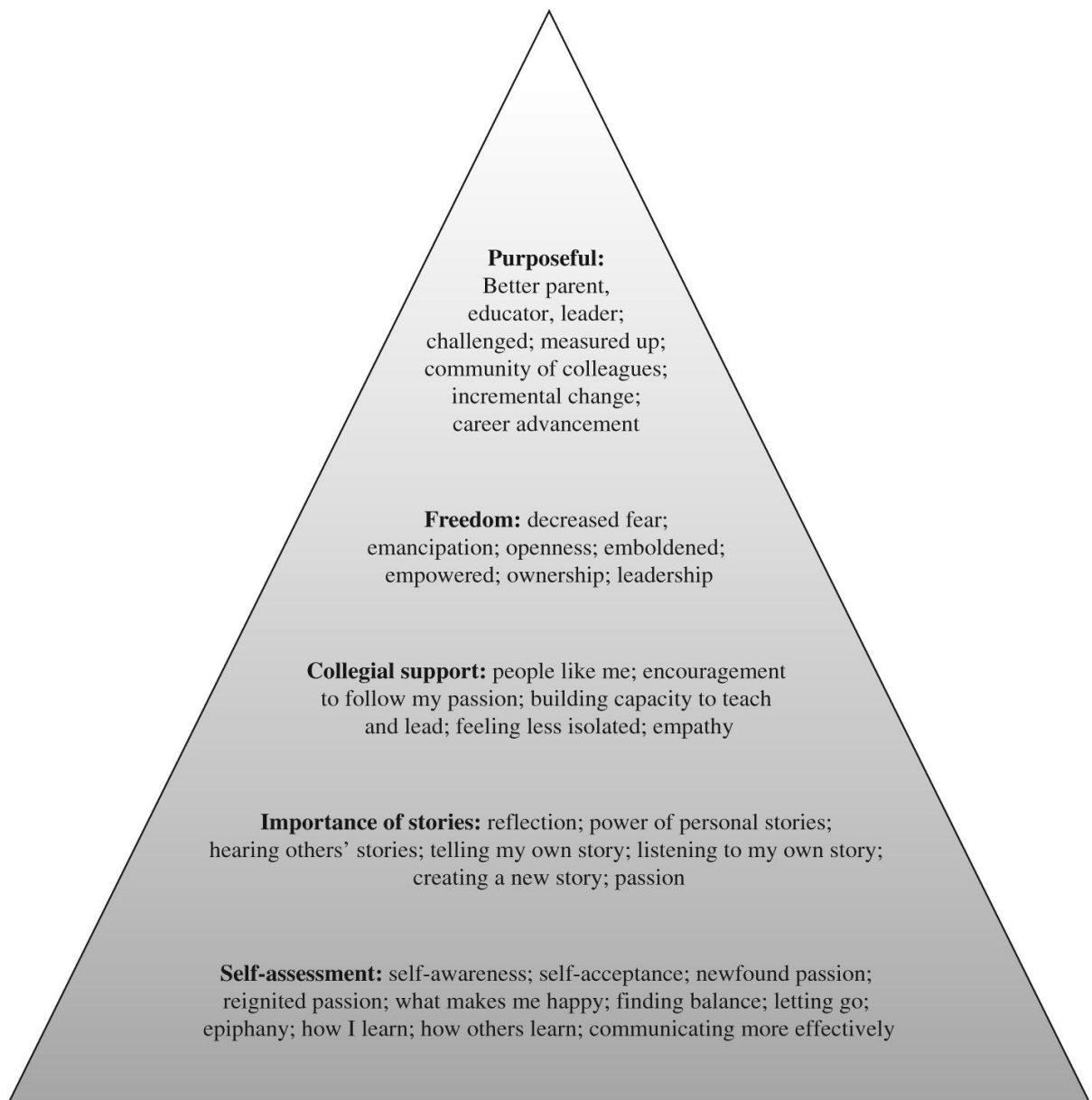


usefulness” (p. 252) follow and are relevant to the use of the phrase self-efficacy in the conclusions of this study.

Figure 2 and Figure 3 are pyramids that illustrate how I worked up from the data and came up with these two themes. Although working up from or being grounded in the data is a qualitative research process (Bhattacharya, 2007; Patton, 2002), I believe the categories and corresponding codes in this study build upon themselves and lead to the themes. In addition, I believe the themes trigger further development of each other. For example, **community with others** can increase the feeling of being supported in one’s endeavors thereby producing more self-efficacy in individuals. Self-efficacy can generate stronger connections to one’s purpose and passion and increase one’s contributions to the larger community. The bolded terms are the categories; the phrases that follow the categories are codes from the transcripts.



*Figure 2. Theme I: Community*



*Figure 3. Theme II: Self-Efficacy*

*Theme I: Community*

“To teach is to create a space in which the community of truth can be practiced.”

(Palmer, 1998, p. 90)

Community was the first of two major themes identified in this study. The categories brought forward in the analysis process indicated that each of the IFEJE study participants felt connection to: 1) themselves; 2) other participants and faculty; 3) the theoretical material; 4) their topics/projects; 5) IFEJE locations and ELOs; and 6) judging and the judicial system. The sense of connections attributed to their experiences at IFEJE assisted them in the development of a new community of friends and colleagues, in the realm of human experiences, and in their roles as judges and teachers.

As I listened to the participants talk about how IFEJE had helped them connect to themselves, I realized how difficult the process was for them, particularly at the beginning. What IFEJE required was immediate immersion into self-reflection and disclosure activities and no one was exempt, including me and the other program staff. Caroline reminded me about the plunge, “the material forces you, I mean even that very first exercise the first night where you’re thinking about, you know, how do I see myself on the bench and how do people see me?” As reluctant and resistant as they might have been at first, they all described this as a truly valuable experience and rare opportunity. Juan reflected on his experience of sharing his feelings and talking openly about his beliefs at IFEJE, something he found intense and somewhat painful at the start, but rewarding in the end, deeming it “the best educational experience I have had” and “life changing.”

Also discussed extensively was the personal insight participants gained when they applied the theoretical materials to themselves to understand their own learning and development. They described the material as accessible and talked about how it offered clarification about how they learned and the processes they had gone through previously to make decisions or communicate with others. Several described improved work and personal relationships as a result of this new knowledge and ability to apply it.

The second area of connection was to other participants and faculty. Paul talked about the challenge of the group and how that was motivating to him. He said that the participants were “all judges I could admire and would have liked to have practiced in front of when I was still practicing as an attorney. The level of dedication was high, the level of commitment to their own performance was high. It was challenging to perform well in front of that group. It made me nervous.”

In addition to the high caliber of colleagues, Caroline, who also said she felt nervous when she presented to the group, talked about connecting to people on a level she had not experienced before and that “in your normal work world, it takes a long time to get to that level if you get there at all.” Her discussion highlighted that the time spent at the Institute, almost two full weeks, and the locations selected, usually retreat settings, afforded long group walks in the morning, informal discussions between sessions or on the way to a meal and the opportunity for participants to meet with one another during limited free time while attending the program. This contributed to the close feeling participants had with others at IFEJE.

Participants also noted that having the shared experiences like the ELOs and discussions afterwards were important for making lasting connections and building

community. One participant stated, “to have a shared experience with other people in that you are all at the same place at the same time and you see the same events or whatever it is and then the processing part of it because people process it, your own processing gets even better.”

The third area of connection was with IFEJE’s theoretical material and how that created a community of practice among participants. This, like the self-reflective activities, was not without pain, though. Holly described difficulty with the rigor and process of the curriculum. Again, she noted the requirement to fully engage: “You have to plan each step and [think about] why you are doing what you are doing. There has to be a purpose to it.... Why are you saying this word? What is the purpose of this word? Why are you going in this direction? What is it that you’re expecting your audience to receive as a result of that? And which group of people are you trying to get with that? How are you making that fit these other learning styles? I’d never thought about it and anyway, well, people like what I do, so that’s good.” However, the thoroughness of this exercise produced new insight on assumptions potentially made about her and her colleagues: “just because we are all lawyers, doesn’t mean that, and just because we all, I think sort of by definition, [are] successful, that we all learn the same way. That there wasn’t a single path to greatness.”

All participants described with enthusiasm the achievement felt as they mastered the material and spoke with enthusiasm, not only for themselves but for those who would be in their audience, courtroom, or in some cases their households. Ruth said it well “I started to realize there were a lot of different ways to teach that are probably more rewarding for me as well as more rewarding for the participants.” David described how

the repetition of learning as a participant and faculty member was important and alluded to the “evolution of it” as Caroline stated earlier: “each time I went through that as a faculty I learned it at a different level and incorporated that at a different level. Maybe that’s the part about the doing, the actual doing of something and how important that is for the learning process.”

The fourth area of connection was to participants’ topics and projects. In some cases, the connection meant the reigniting of a flame that perhaps had been ignored for some time, had been hidden from others, or forgotten altogether. As Ruth talked about passion, she talked about a topic she felt strongly about but had set aside to attend to obligations imposed by others. Juan talked about hiding the program he was truly passionate about so his supervising judge wouldn’t give him a hard time about it. IFEJE offered an environment and colleagues that not only supported his idea, but strongly encouraged it.

One participant talked about a very personal connection she had to her topic that she had all but forgotten until pressed to select a project at IFEJE. “First of all, I didn’t realize what a personal connection...well I did realize it when I was there...I decided to do a project about pro se’s in the courtroom and I realized that that was connected to my own experience of being a pro se in the courtroom way back before I’d even begun to study law...you know I’d never made much of a connection between that experience and why I got into law in the first place but I think it became clear to me that there was one.”

The fifth category of connection was to IFEJE locations and ELOs. David talked about connection through storytelling at the ELOs and during the processing afterwards. He expressed that hearing others’ stories inspired him to tell his own story, what he

described as being a “very powerful moment” in his life. He said of one of the storytelling incidents at the Institute, “That was really [an] impactful presentation and it gave me some insights that I’d never, never thought of before, you know, about institutions and how people deal with them, and how he’d [Harvey] done in his life, and also about you know, how well he told his story.”

Holly talked about assertiveness she learned through experiencing and processing ELOs at the Institute as she recounted another professional development experience post-Institute. She described being part of an observer group in a courtroom where 20 defendants who had not paid child support were expected to discuss their attempts to find work in front of court officers and her group, all of whom were strangers to the defendants. She pointed out to the leader of the program that the defendants did not know who she and the other observers were and that if the defendants did, the discussion might be more productive. She related, “So, we started the group and were sitting there and the guys aren’t talking hardly at all... They were all very well behaved they had no idea who we were but they were very conscious and they kept looking at us. Finally, the guy [program leader] said ok...let me tell you who our guests are. And they had questions for us and that kind of stuff and then they opened up when they realized we were from other states.”

The last category of connection was to their profession. Juan talked about his rapid career advancement to a highly responsible position within the court system in his state. However, while the scope and responsibility of his work has increased tremendously, he described being more clearly focused on what he wants to do and how he is accomplishing his goals. “I have spoken everywhere, I’ve traveled, I’ve gone out of



state to speak about this topic. I've become, people... are calling me the 'expert on teen sex-trafficking,' so I've spoken in public to huge groups many, many times since then and the more I do it, the more comfortable it becomes. As a result of doing that professionally I think I am where I am now as the administrative judge... My name was out there and people started talking about me... If important people were in the audience [of my presentations]... it struck a chord in some people... I think I am where I am professionally because I was out there on the lecture circuit talking about this topic." In addition, his work has been the impetus for change in state law. "We have passed legislation that changes the way we view young women, teenagers, charged with prostitution. We're not viewing them as criminals anymore, we're viewing them as victims."

### *Theme II: Self-Efficacy*

Self-efficacy was the second major theme identified in this study. While the first theme was initially identified from what it was they had experienced for the first time in continuing professional or judicial education, the second theme was spawned from what they experienced during and after IFEJE. The following categories generated from study participants' reports of self-efficacy related to: 1) conducting self assessment; 2) importance of storytelling; 3) collegial support; 4) freedom; and 5) purposefulness discovered through the processes and projects completed at the Institute.

The first category, self assessment, served as the foundation for all the categories to come. All but one of the participants talked about being 'forced to reflect' about themselves, personally and professionally, starting with the first activity, Images of Justice. Throughout all of the interviews, study participants discussed self assessment as a

major factor during IFEJE that impacted their ideas about who they were and what they wanted to do at the end of the program and beyond.

The assessment each conducted led to different levels of awareness and acceptance, some more obvious than others. In the interview, Holly initially discussed her acute awareness of her physical self, how that might have impacted others, and how she tried to distract people from it with her humor. Later, she described a scene in Memphis when she was with a group of people on Beale Street, a sort of informal ELO, and how she actually enjoyed seeing others react to her and her group. “it was fascinating to watch [others’ reactions] because we were in [racially] mixed groups...we all danced with each other and stuff and to have people [react as if], oh, ok, this is all fine.” This account indicated a new comfort level she had found with herself and with looking at herself and the events in her life. I commented that she was a fly on the wall in her own life and she agreed.

Paul’s and Juan’s assessments were clearly in the realm of their emotional lives and the consequence for them was both physical and professional. Paul’s self-assessment made him realize that losing his temper in the courtroom was working against him. While participating in IFEJE, he took action to change his reactions on the bench, because as he put it, his anger was negatively impacting his effectiveness as a judge and that it was not good for his health either. He credited being with the other judges at IFEJE, whom he saw as exceptional in their work and lives, as part of the reason he examined this in a critical way. Between Phase I and Phase II, he began to practice meditation, which he believes substantially mitigated his anger and made him a better judge.

Juan discussed being a person who feels things very passionately and deeply and the good and bad of that for him. He described seeing this as a weakness prior to IFEJE, but that being asked to and able to open up at the Institute actually changed the way he behaves in the courtroom and the way he now views himself as an emotional person. Now, he says that he is not afraid to share who he really is, as he put it, “a real human being that feels things so deeply and so passionately” and that is not “a robot...a machine.” He claimed this was “a direct result of my experience there [IFEJE].”

For some of the participants the self awareness and acceptance increased their ability to empathize and produced better communication and relationship skills. Holly talked about seeing a “subtle shift” in her reactions in the courtroom and that she now tries to “resist first impressions”, be less judgmental, so to speak, and instead seek understanding of the person, that “how somebody looks or what they do for a living or the fact that they have never paid child support or that they have a particular kind of drug problem or that they have been in trouble 16 times before or... they are polite with me or rude with me” doesn’t necessarily mean “they are going to be successful or not successful with probation or that kind of thing... I’m just really trying to figure out whatever it is that they are trying to communicate to me which may or may not be hostility. Sometimes it’s just fear and they don’t know another way other than to laugh or put on some kind of macho swagger.”

Juan was open about his dislike of another person at the beginning of his class at IFEJE, but in the end described how he came to understand their differences and the choice he made to accept the differences and that person. He said, “At first, I remember telling [another participant] ‘I can’t take this person,’ and you know, by the end of the

second session, I actually liked this person personally. I still disagreed completely with that person's views about almost everything. But by the end, on a personal level, I liked them, I really liked that person-- personally. So I guess you, you gotta just adopt a tolerance for others, for opposing views, think past it and just 'ok we disagree, and I'm not never gonna agree with you, I think you're absolutely wrong-- you're a nice guy'." I wondered aloud with him that maybe there was a connection between his self-acceptance and the acceptance of this other person, one who at first was so offensive and unacceptable.

The second category within the theme of self-efficacy was the importance of storytelling. For individuals, storytelling is a way to reflect on one's life and perhaps begin a new story. For Juan, telling his story to his mentor would be a catalyst to free him from hiding his emotions and see them as a strength rather than weakness.

For groups, storytelling is a way to learn about others' lives and their unique perspective on common experiences such as the theoretical material or the ELOs. David and Caroline both remarked about the power of the story told by Harvey, a speaker at one of the ELOs who talked about his life in an orphanage in the 1930s. His story made them think about themselves, the institution in which they worked and also about their peers' stories as they shared their own life experiences during the processing session. Caroline and David also described the impact the story told by their colleagues about their experiences with racism made them think about their sense of justice and how people's experiences influence them, negatively or positively, throughout their lives. Caroline said about it, "I still to this day get chills when I remember how [another participant] just

talked about how he was afraid to come to the South. And I had never really thought about that, about oh, what would that be like to be afraid to go someplace?”

The third category in self efficacy was collegial support, either the provision of it or reception of it as a source of power for participants. Caroline identified finding people like herself, who cared about the same things and were willing to go through this process as empowering. Paul talked about finding high caliber judges at IFEJE who challenged and supported him in his pursuit of mastering the curricular material and becoming a better presenter. Ruth discussed her epiphany about pursuing her passion when she heard colleagues say “you don’t have to do things that you’re not passionate about. You don’t have to teach a class because somebody says, you know, ‘teach a class on commercial drivers license laws next week.’ If that’s not something you’re passionate about and if its gonna drive you crazy and make your life miserable to do that and you’re just saying yes because you feel like you have to say yes, start to examine yourself and your ability to focus in on what you’re passionate about and just say no to things you’re not passionate about...realize that that’s ok and that you’ll be a better judge, a better teacher, and a better person when you learn to do that.”

The self assessment, storytelling and collegial support found at IFEJE led to the fourth category, a newfound freedom for participants. Juan spoke about release from fear of showing his emotions and the freedom to own the subject of his topic, for which he was deeply passionate. Ruth also found she was able to own the work for which she felt passion and poignantly stated that after participating in IFEJE she was able to “just focus on what would become a labor of love and instead of just a labor.” Then she went on to say that “my whole judicial career has kind of evolved from that. I mean I’ve done a lot

more teaching... and I do get asked to teach courses I've already taught before, but usually I'm the one suggesting the topic now."

The last category in the theme of self efficacy is purpose. The purpose participants described permeated their personal and professional lives. They talked about being better parents, better educators and better leaders. They described being challenged and supported by the materials and processes as well as their new community of colleagues. The burden of their responsibility as judges was lessened by a fresh understanding of the context of what they were doing, the new knowledge and skills they had acquired, and the possibilities for what they could do to effect positive change in their work. Participants described a refined confidence that allowed some of them to clean their slate, and perhaps create a new one on which they would construct their futures. Ruth described the program in this way, "it taught me about pursuing my passions, that I could be a leader and I could be a change agent, but I needed to take those issues that I was passionate about and not think I could...or would want to change everything about everything."

Albert Einstein is quoted as saying, "No problem can be solved from the same consciousness that created it. We must learn to see the world anew." I think that is what happened for these participants. From the community created with self, others, the material, their projects and finally, their profession, a newfound level of self-efficacy emerged in the form of personal power, professional achievement and advancement, deeper commitment to the role of judging and education, and newly formed identities as leaders.

## Discussion

The two themes outlined above coalesce to answer the original research questions. The first research question was: How did participation in IFEJE affect the personal development of judges? Earlier in this paper, personal development outcomes were defined as resulting from either an informal or formal process of an individual's deliberate introspection, assessment and recognition about what is working in their private and/or public lives, seeking out fresh perspectives from reliable or authoritative sources, and then putting into action the newly acquired knowledge to achieve personal, educational, and professional goals for their future. The primary goal of IFEJE was to provide a curriculum that included theoretical content and the experiential learning model process to promote the judge-participants' development in the area of teaching. In addition, Parker Palmer's philosophy, "you teach who you are" further stimulated the combination of activities, texts, and accountability designed to support these individuals in their development as leaders and moreover, as people.

From responses given during the interviews, it is clear to me that all the study participants actively took part in the process of developing themselves, not just in their professional roles, but in achieving new levels of personal development and consciousness. Their experience descriptions indicated that the theoretical material, locations, ELOs, amount of time spent at the program, requirement of a self-directed project, and collegial group created by the selection process and norms of the program produced a distinctive culture conducive to contemplation and structured, yet unfettered exploration. This culture and the time afforded by the requirements and confines of the program allowed these judges a rare opportunity to connect with who they were, what

was most important to them, and what they needed to do to improve their lives and the lives of people closest to them. It provided a safe and challenging environment where participants described feeling less overwhelmed by and isolated in their work.

The second research question was: How did participation in IFEJE affect the professional development of judges? In chapter one professional development outcomes were described as resulting from an individuals' engagement in an informal or formal process of reflection about who they are within the context of their profession, recognition of what is most valuable to them as a practitioner in their profession, the acquisition of new knowledge and practices from reliable or authoritative sources, and then the application of this new knowledge for the goal of becoming more effective in their work. Participants described in great detail the learning and skills they achieved from learning and applying the adult learning and development content of IFEJE. What they described though, was not so much about applying this content to their learners or an audience, but thinking about their own development and learning first. Additionally, they did not view their learning as related only to the theoretical materials. Participants talked extensively about their experiences during the ELOs and discussions with their peers, described by two of the participants as being of a higher "caliber", during and between sessions as being informative to their practice as well as a motivator for enhancing their skills and knowledge and improving the court system. All of these experiences contributed to a common belief about themselves as having increased their capacity as judges, judge-faculty, employers, community advocates, parents and or spouses.

The third research question was: How have judges changed since participation in IFEJE? Because all of the participants described being changed in some way as a result



of their experience at the Institute, I will add the last question to this section, that is, to what factors do judges attribute the change? First, the participants feel connected: to themselves, the people around them and to the institutions in which they work. This new connection has impacted their personal and professional lives in positive ways. All of the participants described a refreshed openness to ideas and learning along with a clearer focus about their work and balance in their personal lives. I think this can be attributed to the Institute's unique culture which most of them found jolting at first. However, they quickly acclimated to the challenge they were presented and the disorienting first encounter proved to be a catalyst for their introspection and finally, engagement. I believe this says something about who they were when they showed up: they might not have known this, but they had some level of readiness for change.

Finally, these judges are more competent and confident in their work and lives as a result of IFEJE. In their interviews, they talked about their professional achievements and work they have done with their projects since they completed the program. They attributed their accomplishments to IFEJE, which included relationships found in their new community of colleagues; the ELOs and processing afterwards; the freedom to be creative while being supported by a mentor and other faculty; working on a project that had meaning for them and for which they were passionate; and staff/faculty who were duly passionate about the process.

## Implications

### *What This Means for Continuing Professional Education*

The literature review began with the history of adult learning, continuing professional education, and judicial branch education in the United States. This

perspective showed education's evolution that reflected events occurring in the courts, including changes in demographics, the economy and technology. As these changes occurred particularly in the latter part of the 20<sup>th</sup> century, and the general public became more educated, educational needs for adults, professionals, and judges increased. Traditional structures imposed on education in general reflect the structure for education that courts have imposed on judicial branch education, that is, an emphasis on content and information rather than on process and application and more specifically, personal development.

Merriam and Caffarella (1999) asserted that for organizations to be competitive, they must make the most of their "human resources" (p. 11). But with an emphasis on content and information, are the people and what they might contribute to the educational process being taken into account? Cervero (2000) discussed the nature of continuing professional education as one where professionals take part in what I will call the six Ss: show up, sign in, sit and sip substantive content, and then shelve the notebook. Murrell (2006) described this as placing too much emphasis on learners taking in information with no real emphasis on giving learners the responsibility of making meaning of the information and understanding the relevance of it in their lives and work.

So with all of the significant changes in American society and in the courts, and the need for increased and varied approaches to education for adults, how can educators place emphasis on learner responsibility and meaning making? I believe IFEJE proposed a new way of educating adult learners. By making each learner's development a centerpiece of the education, letting them discover who they are, what their passions are, how to engage with that and a construct, the theoretical models, to apply their learning, I

believe a culture was created that moved beyond “the informational update,” (Cervero, 2000) and an environment of learning co-created with the learners was achieved.

Schon (1987) wrote about professionals who must make decisions and “survive in the swamp” (p. 3). Many professionals face the swamp daily and need professional education that can not only assist in their survival but help them thrive in an environment that sometimes seems to devour those who cannot compete. There is no place where this is more evident than in the courts.

#### *What This Means for Judicial Education*

Schon (1987) went further to say that some of what professionals face and need is clear. When faced with technological advances in one’s profession, for example, there is usually a plethora of information and training to upgrade skills and knowledge. However, he pointed to what brews beneath acquisition and application of technical skill where “messy confusing problems defy technical solution.” These problems are with social and professional interactions, embedded organizational cultures, and the ethics of doing business or presiding over a court. Schon says that the problems associated with clearly identifiable issues in one’s professional life pale and are perhaps inconsequential when one is lost in the swamp.

Justice Lippman (2008) used another metaphor to describe what happens in the courts and for judges: “Whether we like it or not, the state courts are in the eye of the storm; we have become the emergency room for society’s worst ailments—substance abuse, family violence, mental illness, and so many more” (para. 10). In his speech accepting the Rehnquist Award for Judicial Excellence, Justice Lippman discussed the paradox of judicial independence and “its flip side, judicial accountability” (para. 2). He

went further to say that the courts needed leaders who were able to think creatively and “when necessary, actually redefin[e] the judiciary to meet the demands of life in the twenty-first century” (para. 11).

Changes in demographics, the economy, and technology all are part of our fast-forward 21<sup>st</sup> century lives and create a burden for the courts. As changes occur in society, judges must respond from wherever they are situated, whether they are prepared or not. Programs like IFEJE give them a foundation from which they are competent to respond: newfound self knowledge, a model for reflection about their personal and professional life, support from a peer group, and or knowledge that they are not alone in the storm.

Armytage (1996) called for a “distinctive approach to continuing education for judges” (p. 3) and talked about the unique “characteristics of judges as learners” (p. 149). Judges’ roles as public servants and their exclusive preferences for learning could be compared to other professionals. However one thing that separates judges from other professionals who serve the public is the juxtaposition between the privilege afforded by their position, the constraints of their judicial responsibility in the courtroom to individuals who come before them, and the public’s trust in their ability to be fair and just. Armytage addressed the basic educational needs of judges that speak to their needs for substantive content but do they speak to judges’ needs to skillfully handle the barrage of complex and paradoxical issues that are presented in the courts on a daily basis? Claxton (1992) raised the question about the special nature of judging and judges’ responsibility and noted that judging and adult education needed to find common ground so that judges can pass society’s test of competence, accountability, and character.

Parker Palmer says that “To teach is to create a space in which the community of truth can be practiced” (Palmer, 1998, p. 90). For judges, this community must be created and the truth of those within that community must be addressed. To create this community, several program and curricular components must be in place.

First, judges must be full participants in creating the knowledge and information for judicial branch education. In order for them to do this they must first understand who they are as learners and the audiences they plan to teach. Second, taking participants out of their normal environment, tapping into their interests and passions, and providing time and space for them to develop projects has proven extremely fruitful for courts and the administration of justice as evidenced by just a few of the programs developed by IFEJE participants. Third, the educational culture in which this is done must be carefully considered. Judges must feel safe to learn, unlearn, and relearn. For IFEJE participants, this seemed evident. Fourth, providing a solid foundation based on theory and asking participants to challenge their own thinking and providing opportunities for discussion with peers is essential. Last, providing inspiration and rejuvenation through a variety of activities such as structured and unstructured reflective assignments, ELOs, and informal opportunities to participate in group outings such as walks add what was described by study participant Paul as taking it seriously “while with a huge dose of fun.” All of these key components can contribute to the complexity and seriousness of the task at hand while taking into account that these are people not automatons.

Kolb’s circle and model for teaching and learning served as a metaphor for these participants’ experiences. Starting with the concrete experience of the Institute, participants were thrown into a disorienting experience: “What, I have a project to do?”

You want me to talk about myself? I have to do a presentation in front of my peers and be videotaped while doing so?” From there, they were asked to reflect on their experiences, prior to and during the Institute. This aspect reflects Erikson’s theory of adult development and Palmer’s fundamental questions for those who want to teach and lead: “Who am I? Am I able to be in relationships, personal and professional? What is it I care most about in my profession?” Then, the participants were asked to put this together, to assess their experiences and their learning to understand what they knew as a result. From there, they were asked to put together the project to demonstrate their learning, but for most, it opened up a whole new way of thinking about what they did, who they were and what they would do to contribute to areas of the justice system they cared most about.

#### Recommendations for Judicial Branch Education

The participants in this study experienced personal and professional development and as a result have demonstrated contributions to their state court system beyond their roles on the bench. If judicial educators are interested in assisting judges in their development, their ability to contend with the daily and accumulated stress of performing their duties as judges, and improving the administration of justice in their courts, the following recommendations are presented as a result of what I learned from this case study.

Successful Judicial Branch Education programs:

1. Create a setting that is inviting and human scale.
2. Build a community of trust in the educational environment.
3. Challenge learners and ask them to contribute to the teaching and learning.
4. Make the content and process relevant.

5. Hold learners accountable for their learning.
6. Give participants the opportunity to think about or discover what is important to them.
7. Encourage participants to explore what they don't know they don't know.
8. Recognize that learning and development takes time.

At IFEJE, program staff and participants were afforded the luxury of time and space away from their normal work environment. Most judicial educational experiences are not so fortunate. However, this teaching model can be applied in any educational setting. The question is, "What's worth showing up for?" Judicial education programs that utilize face-to-face time for the purpose of relational and dialogical activities as opposed to information delivery facilitate the community of learning that IFEJE espouses.

#### Recommendations for Future Research

As a continuation of this study, I would consider three options. First, I would like to interview IFEJE graduates who had not volunteered to participate in this study. Second, I would consider surveying state judicial education directors or National Association of State Judicial Educators (NASJE) members who have had judges attend IFEJE to ascertain their views on the value of IFEJE to their states. Third, I believe surveying judges who have not attended IFEJE to ascertain their views on judicial branch education would be valuable.

#### Final Thoughts

The compelling uniqueness I was trying to identify was the culture of the Institute. The culture, that is, the requirement to participate, share of themselves, be

accountable by creating a project and thus new knowledge-- this is what is unique, not one or two aspects of the program such as the locations or the material. The theoretical models provide the structure and questions needed to facilitate this process. The people involved and the vision for the program established the framework for the culture to evolve.

For me, this research project was not only a way to stay connected with the participants, but also a way to continue the dialogic teaching and learning processes of the program. During interviews I interacted with the participants, even providing feedback to them at certain points on their thoughts and development through the process of our discussion and their revelations to me. This reflected my background as a counselor, but more importantly, the collegial relationship I had with the participants. For example, I wondered aloud with Juan, comparing his ability to accept the participant he at first found offensive at IFEJE with his acceptance of himself, his positive qualities along with his flaws. These conversations were a vivid reminder of not only the participants' progress, but mine as well.

My own experience with this study reflects what participants experienced doing their projects. The questions they asked themselves, as David put it: "How am I gonna get this project done? Am I gonna be able to do it...measure up, so to speak? And then the very doing of it gives you so much confidence, so much self-confidence about what you can do, what you're capable of doing." With the participants' support, even those who did not participate directly in this study, and the support and input of many others indeed, I was able to finish this project with something in which I can take pride. This has been a learning and development process for me, too. I am grateful for that.



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## Appendix A

### INFORMED CONSENT TO PARTICIPATE IN AN INTERVIEW

The University of Memphis  
College of Education  
Department of Leadership/Higher and Adult Education  
119 Browning  
Memphis, TN 38152

Title of Research: The Institute for Faculty Excellence: A Study of Personal and Professional Development of Judges

Name of Principal Investigator/Primary Researcher: Carrie A. Brooks, M.S.

Phone Number of Principal Investigator/Primary Researcher: 901-409-7673

#### **PURPOSE AND BACKGROUND**

The purpose of this study is to investigate the personal and professional development of six judges who participated in a specific faculty development program, the Institute for Faculty Excellence in Judicial Education (IFEJE), which is administered through the Center for the Study of Higher Education at the University of Memphis.

#### **PROCEDURES**

If I agree to participate in this research study, the following will occur:

1. I will be asked to participate in an individual interview that will last approximately 45-60 minutes.
2. I have received a copy of the interview questions and understand I will be asked to discuss will be asked to discuss my experiences during the institute, my project completed at the Institute and how I implemented my project post-Institute, and my personal and professional development since my participation in the Institute.

**RISKS:** There are no known foreseeable risks or discomforts involved in participating in this study.

#### **CONFIDENTIALITY**

The records from this study will be kept as confidential as possible. No individual identities will be used in any reports or publications resulting from the study without written permission of the individual. All tapes, transcripts and summaries will be given codes and stored separately from any names or other direct identification of participants. Research information will be kept in locked files at all times. Only the research personnel will have access to the files and the audio tapes and only those with an essential need to see names will have access to that particular file. After the study is completed and all data has been transcribed from the tapes, the tapes will be held for one year and then destroyed.

**DIRECT BENEFITS**

There will be no direct benefit to me from participating in this research study.

**ALTERNATIVES**

I am free to choose not to participate in this research study.

**COSTS/COMPENSATION**

There will be no costs or compensation to me as a result of taking part in this research study.

**QUESTIONS**

I have spoken with Carrie A. Brooks about this study and have had my questions answered. If I have any further questions about the study, I can contact Carrie Brooks, by calling 901-409-7673, email her at carrieb@memphis.edu, or write to her at 411 Dickinson St., Memphis, TN 38112.

**CONSENT**

I have been given a copy of this consent form to keep.

**PARTICIPATION IN RESEARCH STUDY IS VOLUNTARY.** I am free to decline to participate in this research study, or I may withdraw my participation at any point without penalty. My decision whether or not to participate in this research study will have no influence on my present or future status at The University of Memphis.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Research Participant

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Interviewer

## Appendix B

### Participant Interview Protocol

#### The Institute for Faculty Excellence: A Study of Personal and Professional Development of Judges

1. What made you decide to participate in the Institute for Faculty Excellence?
2. Tell me about your experience as a participant/faculty in the Institute for Faculty Excellence.
3. What stood out for you about the Institute's theoretical material: experiential learning, life cycle, intellectual and ethical development and teaching?
4. Describe the experiential learning opportunities (ELOs) you participated in. Can you talk specifically about how you experienced Institute locations?
5. Tell me about your project.
6. Tell me about your experience with your mentor.
7. What other projects or experiences have come out of the project you worked on at IFEJE?
8. How did the program contribute to your professional development or your role as a judge?
9. How did the program contribute to your personal development?
10. What, if anything, is different about IFEJE from other professional development programs you have attended?