



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on January 12, 2018

Title

Judicial Branch Education: 2018–2020
Education Plan

Agenda Item Type

Action Required

Effective Date

July 1, 2018

**Rules, Forms, Standards, or Statutes
Affected**

None

Date of Report

December 1, 2017

Recommended by

CJER Governing Committee
Hon. Theodore Weathers, Chair
Hon. Kimberly A. Gaab, Vice-Chair

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Executive Summary

The Governing Committee of the Center for Judicial Education and Research (CJER) recommends approving the 2018–2020 Education Plan, effective July 1, 2018. Through the work of its standing curriculum committees, the CJER Governing Committee developed this plan for CJER education programs and products that will enable its judicial branch constituencies to fulfill the education requirements and expectations outlined in rules 10.451–10.491 of the California Rules of Court.

Recommendation

The CJER Governing Committee reviewed and unanimously approved the education plan for fiscal years 2018–2020 and now recommends that the Judicial Council approve the plan, effective July 1, 2018. With Judicial Council approval, the CJER Governing Committee and CJER staff will initiate the education and training they are required and expected to deliver to the multiple judicial branch audiences they serve. The entire plan—including

target audience(s), delivery method, frequency of delivery, and the respective curriculum committee—is attached at pages 5-14.

Previous Council Action

In 2009, at the direction of the Judicial Council’s Executive and Planning Committee (E&P), the CJER Governing Committee streamlined its committee structure to include nine curriculum committees with specific subject matter and audience expertise (e.g., Criminal Law Curriculum Committee, Family Law Curriculum Committee, etc.). The committees submit recommendations to the CJER Governing Committee for a two-year education plan in their areas. The Governing Committee oversees the curriculum committees and the execution of all the education it approves for the judicial branch; it also makes modifications in the plan as circumstances warrant (e.g., reduction in funding or staffing, emerging issues requiring new training). This model provides accountability to the Judicial Council for judicial branch education as well as the costs associated with that education.

At the conclusion of each two-year education plan (2010–2012, 2012-2014, 2014-2016), the CJER Governing Committee has reported to the Judicial Council on the plan’s execution and success. The CJER Governing Committee will be reporting to the Judicial Council after the July 2018 conclusion of the current 2016–2018 Education Plan.

Rationale for Recommendation

Approving the 2018–2020 Education Plan will enable the CJER Governing Committee and CJER staff to fulfill their primary mission of developing and delivering education to the judicial branch. Included in this education plan are all the live programs and courses, as well as the multiple distance-education products—such as videos, Webinars, online courses, podcasts, and publications—developed for justices, judges, subordinate judicial officers, appellate clerk/administrators, court executive officers, and appellate and trial court management and staff. This plan maps out the education and training CJER will develop and deliver to the judicial branch from July 1, 2018, through June 30, 2020, and includes:

- 247 statewide courses
- 78 regional courses (including the Qualifying Ethics core course)
- 35 webinars
- 35 video products, all lengths and formats
- 8 podcasts
- 12 online courses
- 26 updates to online course
- 16 publication updates
- bench tools and job aids produced on an as-needed basis.

As previously, this document itemizes the length, number, areas of content emphasis, and target audience for all the high-cost items, that is, the live statewide education events, including primary assignment orientations, institutes, New Judge Orientation and the Judicial College. The Education Plan also lists the specific number of, and anticipated audience for, the lower-cost live courses like regionals and webinars, and the recorded distance education products for judicial

officers and court personnel, including videos, podcasts and online tutorials and courses.

However, unlike in the past, the 2018-2020 Education Plan does not specify the content details for the lower-cost items; instead, the Plan specifies the numerical capacity of such products over the two-year period. In other words, the Education Plan maps out all the education that CJER will provide, but does not specify the title of each course or product. This reflects an adjustment in the education development process that streamlines Governing Committee approvals, and enhances the just-in-time responsiveness of the education content. On average, there are 125 changes in California statutory law every year. Potentially, each one of those changes can pose a new educational need that the Curriculum Committees could not have anticipated. Listing capacity instead of specific topics enhances CJER's flexibility and responsiveness without impacting budgetary planning or Governing Committee oversight.

The content details for each lower-cost product will be developed on an ongoing basis, using, as CJER always has, the topics developed and prioritized by the curriculum committees. Specific topics, faculty and delivery methods will be reported to the Governing Committee at their meetings every three months, as part of a detailed Education Implementation Plan that tracks the content details for lower-cost live and recorded distance education products as those are finalized.

The process has a high degree of transparency and review by judicial officers as well as court leadership who belong to both the CJER Governing Committee and the CJER curriculum committees.¹

Comments, Alternatives Considered, and Policy Implications

In developing the education plan, the Governing Committee sorted through the various educationally effective and cost-efficient alternatives for meeting the educational needs and priorities identified by the curriculum committees.

The curriculum committees identified the needs specific to their audiences by:

- reviewing attendance at live courses;
- reviewing the currency and relevance of the online curriculum represented in the appropriate CJER Online Toolkits;
- reviewing analytics on the usage of existing online products;
- identifying gaps in the current curriculum;
- anticipating emerging educational needs.

Under the leadership of the individual chairs, the committees determined priorities among the needs they identified, indicated possible delivery methods, and submitted those recommendations to the Governing Committee.

The Governing Committee considered the nine sets of recommendations, and applied a cost-benefit analysis to the high-cost items to confirm that the educational effectiveness of these items outweighed their high costs.² Not surprisingly, multiday statewide events held at an off-site

¹ The full set of committee rosters is in Attachment B.

² The cost-benefit analysis is in Attachment A.

facility such as a hotel (e.g., the Civil Law Institute) ranked highest in cost and often in priority. Other education products, such as webinars or podcasts, rank in the medium- to low-cost range. These lower-cost products are inexpensive to produce but the content developed is commensurate to live 60- or 90-minute classes. However, the high-cost items have far greater educational impact than distance education (live or recorded). The Governing Committee approved the high-cost items recommended by its curriculum committees.

In sum, the 2018–2020 education plan fulfills the educational needs of the various judicial branch audiences that the CJER Governing Committee serves.

Implementation Requirements, Costs, and Operational Impacts

To fund the current 2016-2018 education plan, the CJER Governing Committee needed to bridge a financial gap of approximately \$144,000 in the first fiscal year and approximately \$153,000 in the second year. These shortfalls were due to the programming costs required for live statewide judicial education, and would have negatively impacted CJER’s ability to offer education to experienced judicial officers.

Starting in October 2016, the Governing Committee instituted a Program Cost Reimbursement of \$50 per day for all non-mandated live judicial education courses and programs, excluding New Judge Orientation, the Judicial College, and the Primary Assignment Orientation courses. The Program Cost Reimbursement abates a portion of the program costs paid by CJER for the benefit of the participants (i.e., lodging, meals, faculty costs).

Participants appear to accept the reimbursement costs; those programs have shown no evidence of reduced enrollment. After closely watching the effects of the PCR since October 2016, CJER Governing Committee has concluded that the reimbursement:

- represents a manageable cost for judges,
- enables CJER to continue to deliver education for experienced judges, a crucial audience, and
- eliminates the need to further reduce education in the areas where judges serve our most vulnerable populations, such as children and the elderly.

Crucially, the Program Cost Reimbursement prevents fluctuating costs of new judge education from undermining funds for experienced judge education. The 2018-2020 education plan requires the continued implementation of this independent funding for experienced judge education, at the same relatively modest level of a \$50 Program Cost Reimbursement per day.

The CJER Governing Committee has crafted a two-year education plan that meets the education needs of the judicial branch and can be fully funded based upon CJER’s current budget.

Attachments

1. 2018–2020 Education Plan, at pages 5-14
2. Attachment A: Cost Benefit Analysis for Live Face-to-Face Statewide Education Programming
3. Attachment B: Rosters of the CJER Governing Committee and CJER Curriculum Committees

	Content	Recommended Delivery Method/ Venue	Frequency	Plan Year 2018-2019	Plan Year 2019-2020	Curriculum Committee
Statewide Programs and Courses						
NEW JUDGE EDUCATION AND JUDICIAL ASSIGNMENT ORIENTATION						
	B.E. Witkin Judicial College of California	Held Offsite	10 days once a year			Governing Committee
	B.E. Witkin Judicial College of California	Held Offsite	10 days once a year			Governing Committee
	New Judge Orientation 1/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 2/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 3/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 4/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 5/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 6/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 7/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 8/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 1/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 2/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 3/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 4/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 5/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 6/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 7/8		5 days 7-10 times per year			Governing Committee
	New Judge Orientation 8/8		5 days 7-10 times per year			Governing Committee
	Appellate Justices Orientation		1 day as needed			Appellate

	Content	Recommended Delivery Method/ Venue	Frequency	Plan Year 2018-2019	Plan Year 2019-2020	Curriculum Committee
	Civil Law Basic Orientation (PAO)	PAO - Winter	4.5 days once a year			Civil
	Civil Law Basic Orientation (PAO)	PAO - Winter	4.5 days once a year			Civil
	Orientation for Experienced Civil Law Judges (PAO)	PAO/EAC - Spring	3 days once a year			Civil
	Orientation for Experienced Civil Law Judges (PAO)	PAO/EAC - Spring	3 days once a year			Civil
	Limited Jurisdiction, Small Claims & Unlawful Detainer Orientation (PAO)	PAO - Fall	3 days once a year			Civil
	Limited Jurisdiction, Small Claims & Unlawful Detainer Orientation	PAO - Fall	3 days once a year			Civil
	CEQA Overview	EAC/PAO - Winter	2 days once a year			Civil
	CEQA Overview	EAC/PAO - Winter	2 days once a year			Civil
	Criminal Law Orientation (PAO) 1/3	PAO - Fall	4.5 days 3 times a year			Criminal
	Criminal Law Orientation (PAO) 2/3	PAO - Winter	4.5 days 3 times a year			Criminal
	Criminal Law Orientation (PAO) 3/3	PAO/EAC - Spring	4.5 days 3 times a year			Criminal
	Criminal Law Orientation (PAO) 1/3	PAO - Fall	4.5 days 3 times a year			Criminal
	Criminal Law Orientation (PAO) 2/3	PAO - Winter	4.5 days 3 times a year			Criminal
	Criminal Law Orientation (PAO) 3/3	PAO/EAC - Spring	4.5 days 3 times a year			Criminal
	Traffic Orientation (PAO)	PAO/EAC - Spring	2 days once a year			Criminal
	Traffic Orientation (PAO)	PAO/EAC - Spring	2 days once a year			Criminal
	Fundamentals of Felony Sentencing, 1/2	EAC - Fall	2.5 days 2 times a year			Criminal
	Fundamentals of Felony Sentencing, 2/2	EAC - Winter	2.5 days 2 times a year			Criminal
	Fundamentals of Felony Sentencing, 1/2	EAC - Fall	2.5 days 2 times a year			Criminal

	Content	Recommended Delivery Method/ Venue	Frequency	Plan Year 2018-2019	Plan Year 2019-2020	Curriculum Committee
	Fundamentals of Felony Sentencing, 2/2	EAC - Winter	2.5 days 2 times a year			Criminal
	Advanced Topics in Felony Sentencing 1/2	EAC - Fall	2 days 2 times a year			Criminal
	Advanced Topics in Felony Sentencing 2/2	PAO/EAC - Spring	2 days 2 times a year			Criminal
	Advanced Topics in Felony Sentencing 1/2	EAC - Fall	2 days 2 times a year			Criminal
	Advanced Topics in Felony Sentencing 2/2	PAO/EAC - Spring	2 days 2 times a year			Criminal
	Homicide Trials 1/2	EAC - Winter	2 days 2 times a year			Criminal
	Homicide Trials 2/2	EAC - Winter	2 days 2 times a year			Criminal
	Homicide Trials 1/2	EAC - Fall	2 days 2 times a year			Criminal
	Homicide Trials 2/2	EAC - Winter	2 days 2 times a year			Criminal
	Death Penalty Trials 1/2	EAC - Winter	2 days 2 times a year			Criminal
	Death Penalty Trials 2/2	EAC - Winter	2 days 2 times a year			Criminal
	Death Penalty Trials 1/2	EAC - Fall	2 days 2 times a year			Criminal
	Death Penalty Trials 2/2	EAC - Winter	2 days 2 times a year			Criminal
	Family Law Orientation (PAO) 1/2	PAO - Winter	4.5 days 2 times a year			Family
	Family Law Orientation (PAO) 2/2	PAO - Winter	4.5 days 2 times a year			Family
	Family Law Orientation (PAO) 1/2	PAO - Winter	4.5 days 2 times a year			Family
	Family Law Orientation (PAO) 2/2	PAO - Winter	4.5 days 2 times a year			Family
	AB1058 Commissioners Orientation (PAO)	Held Offsite	1/2 day once a year			Family
	AB1058 Commissioners Orientation (PAO)	Held Offsite	1/2 day once a year			Family

	Content	Recommended Delivery Method/ Venue	Frequency	Plan Year 2018-2019	Plan Year 2019-2020	Curriculum Committee
	Dependency Law Orientation (PAO) 1/2	PAO - Winter	4.5 days 2 times a year			Juvenile
	Dependency Law Orientation (PAO) 2/2	PAO/EAC - Spring	4.5 days 2 times a year			Juvenile
	Dependency Law Orientation (PAO) 1/2	PAO - Winter	4.5 days 2 times a year			Juvenile
	Dependency Law Orientation (PAO) 2/2	PAO/EAC - Spring	4.5 days 2 times a year			Juvenile
	Delinquency Law Orientation (PAO) 1/2	PAO - Fall	4.5 days 2 times a year			Juvenile
	Delinquency Law Orientation (PAO) 2/2	PAO - Winter	4.5 days 2 times a year			Juvenile
	Delinquency Law Orientation (PAO) 1/2	PAO - Fall	4.5 days 2 times a year			Juvenile
	Delinquency Law Orientation (PAO) 2/2	PAO - Winter	4.5 days 2 times a year			Juvenile
	Probate Orientation (PAO)	PAO - Winter	4.5 days once a year			Probate
	Probate Orientation (PAO)	PAO - Winter	4.5 days once a year			Probate
CONTINUING JUDICIAL EDUCATION - EDUCATION FOR EXPERIENCED JUDGES						
	Complex Civil Litigation Workshop		1 day every year			Civil
	Complex Civil Litigation Workshop		1 day every year			Civil
	Evidence in Civil & Criminal Cases 1/2	EAC - Fall	3 days 2 times a year			Civil
	Evidence in Civil & Criminal Cases 2/2	EAC - Winter	3 days 2 times a year			Civil
	Evidence in Civil & Criminal Cases 1/2	EAC - Fall	3 days 2 times a year			Civil
	Evidence in Civil & Criminal Cases 2/2	EAC - Winter	3 days 2 times a year			Civil
	Experienced Probate and Mental Health	EAC - Fall	2 days every other year			Probate

	Content	Recommended Delivery Method/ Venue	Frequency	Plan Year 2018-2019	Plan Year 2019-2020	Curriculum Committee
CONTINUING JUDICIAL EDUCATION COURSES - DOMESTIC VIOLENCE COURSES AND PROGRAMS						
	Domestic Violence Institute: Orientation to Judicial Skills		4 days every other year			VAWEP
	Ethics and Self-Represented Litigants in Domestic Violence Cases		2 days every year			VAWEP
	Ethics and Self-Represented Litigants in Domestic Violence Cases		2 days every year			VAWEP
	VAWEP 1/20					VAWEP
	VAWEP 2/20					VAWEP
	VAWEP 3/20					VAWEP
	VAWEP 4/20					VAWEP
	VAWEP 5/20					VAWEP
	VAWEP 6/20					VAWEP
	VAWEP 7/20					VAWEP
	VAWEP 8/20					VAWEP
	VAWEP 9/20					VAWEP
	VAWEP 10/20					VAWEP
	VAWEP 11/20					VAWEP
	VAWEP 12/20					VAWEP
	VAWEP 13/20					VAWEP
	VAWEP 14/20					VAWEP
	VAWEP 15/20					VAWEP
	VAWEP 16/20					VAWEP
	VAWEP 17/20					VAWEP
	VAWEP 18/20					VAWEP
	VAWEP 19/20					VAWEP
	VAWEP 20/20					VAWEP
CONTINUING JUDICIAL EDUCATION						
	Advanced Judicial Studies Institute	Held offsite	2 days every two years			Governing Committee

	Content	Recommended Delivery Method/ Venue	Frequency	Plan Year 2018-2019	Plan Year 2019-2020	Curriculum Committee
	Cow County Judges Institute	Held offsite	2 days once a year			Governing Committee
	Cow County Judges Institute	Held offsite	2 days once a year			Governing Committee
	Appellate Justices Institute	Held offsite	2 days every 18 months			Appellate
	Appellate Justices Institute	Held offsite	2 days every 18 months			Appellate
	Civil Law Institute	Held offsite	2 days every other year			Civil
	Criminal Law Institute	Held offsite	2 days every other year			Criminal
	Family Law Institute	Held offsite	2 days every other year			Family
	Juvenile Law Institute	Held Offsite	2 days every other year			Juvenile
	Probate and Mental Health Institute	Held offsite	2 days every other year			Probate
LEADERSHIP TRAINING - JUDICIAL						
	PJ/CEO Management Institute	Held offsite	2 days once a year			JBLD
	PJ/CEO Management Institute	Held offsite	2 days once a year			JBLD
	Supervising Judges Institute		2 days once a year			JBLD
	Supervising Judges Institute		2 days once a year			JBLD
MANAGER/SUPERVISOR COURSES						
	Institute for Court Management (ICM) 1/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 2/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 3/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 4/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 5/10		2.5 days 10 times per year			

	Content	Recommended Delivery Method/ Venue	Frequency	Plan Year 2018-2019	Plan Year 2019-2020	Curriculum Committee
	Institute for Court Management (ICM) 6/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 7/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 8/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 9/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 10/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 1/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 2/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 3/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 4/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 5/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 6/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 7/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 8/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 9/10		2.5 days 10 times per year			
	Institute for Court Management (ICM) 10/10		2.5 days 10 times per year			
	Core 40 1/3		4 days 2-3 times per year			JBLD
	Core 40 2/3		4 days 2-3 times per year			JBLD
	Core 40 3/3		4 days 2-3 times per year			JBLD
	Core 40 1/3		4 days 2-3 times per year			JBLD
	Core 40 2/3		4 days 2-3 times per year			JBLD

	Content	Recommended Delivery Method/ Venue	Frequency	Plan Year 2018-2019	Plan Year 2019-2020	Curriculum Committee
	Core 40 3/3		4 days 2-3 times per year			JBLD
	Advanced Core 40 1/3		3 days 2-3 times per year			JBLD
	Advanced Core 40 2/3		3 days 2-3 times per year			JBLD
	Advanced Core 40 3/3		3 days 2-3 times per year			JBLD
	Advanced Core 40 1/3		3 days 2-3 times per year			JBLD
	Advanced Core 40 2/3		3 days 2-3 times per year			JBLD
	Advanced Core 40 3/3		3 days 2-3 times per year			JBLD
	Core 24 1/2		3 days 2 times per year			JBLD
	Core 24 2/2		3 days 2 times per year			JBLD
	Core 24 1/2		3 days 2 times per year			JBLD
	Core 24 2/2		3 days 2 times per year			JBLD
COURT PERSONNEL INSTITUTES AND COURSES						
	Appellate Judicial Attorneys Institute	Held offsite	2 days once a year			Appellate
	Appellate Judicial Attorneys Institute	Held offsite	2 days once a year			Appellate
	Appellate Staff Institute	Held offsite	3 days every other year			ATCO
	Appellate Systems Administrator Conference		2 days once a year			ATCO
	Appellate Systems Administrator Conference		2 days once a year			ATCO
	Appellate Management Institute	Held offsite	3 days every other year			JBLD
	CCTI/Court Clerk Training Institute (includes eight classes)		5 days once a year			ATCO
	CCTI/Court Clerk Training Institute (includes eight classes)		5 days once a year			ATCO

	Content	Recommended Delivery Method/ Venue	Frequency	Plan Year 2018-2019	Plan Year 2019-2020	Curriculum Committee
	Core Leadership and Training Skills 1/3		3-days 2-3 times per year			ATCO
	Core Leadership and Training Skills 2/3		3-days 2-3 times per year			ATCO
	Core Leadership and Training Skills 3/3		3-days 2-3 times per year			ATCO
	Core Leadership and Training Skills 1/3		3-days 2-3 times per year			ATCO
	Core Leadership and Training Skills 2/3		3-days 2-3 times per year			ATCO
	Core Leadership and Training Skills 3/3		3-days 2-3 times per year			ATCO
Regional Courses						
JUDICIAL						
	Qualifying Ethics Core Course		30 per year			JBAEF
	Qualifying Ethics Core Course		30 per year			JBAEF
MANAGER/SUPERVISOR						
capacity is 3 per year						
COURT PERSONNEL						
capacity is 5 per year plus courses listed below						
	ADA Updates (A, B)		1 per year			JBAEF
	ADA Updates (A, B)		1 per year			JBAEF
Webinars						
capacity is 35 per year						
10 Minute Mentors						
capacity is 5 per year						
Videos						
capacity is 26 per year						
Courtroom Simulations						
capacity is 4 per year						
Podcasts						
capacity is 8 per year						
Online Courses						
capacity is 12 per year						

	Content	Recommended Delivery Method/ Venue	Frequency	Plan Year 2018-2019	Plan Year 2019-2020	Curriculum Committee
Updates to Online Courses						
capacity is 26 per year						
Publication Updates						
capacity is 16 per year including publications updated annually below						
	Felony Sentencing Handbook	Publication Update				Criminal
	Mandatory Jury Instructions Handbook	Publication Update				Criminal
	California Judges Benchbook Civil Proceedings: Before Trial	Publication Update				Civil
	California Judges Benchbook Civil Proceedings: Trial	Publication Update				Civil
	California Judges Benchbook Civil Proceedings: After Trial	Publication Update				Civil
	California Judges Benchbook Civil Proceedings: Discovery	Publication Update				Civil
	Domestic Violence Cases in Criminal Court Benchbook	Publication Update				Criminal
	Search and Seizure Benchbook	Publication Update				Criminal
	Small Claims and Consumer Law Benchbook	Publication Update				Civil
New Staff Job Aids						
produced as needed						
Updates to Bench Tools						
updated as needed						
Updates to Job Aids						
updated as needed						

Cost Benefit Analysis for Live Face-to-Face Statewide Education Programming

Because of the high cost of the live face-to-face statewide delivery method, the Judicial Council has charged the CJER Governing Committee with carefully considering the method's costs and benefits and to ensure that it is used appropriately once approved.

To support the Governing Committee in this role, CJER staff apply their expertise in instructional design and adult education theory and practice to recommend the most appropriate ways to achieve the objectives recommended by the curriculum committees. Accordingly, staff are expected to recommend low-cost distance delivery methods such as videos, webinars or online resources when sufficient to meet objectives, rather than live face-to-face course delivery that might be preferred by a curriculum committee. Conversely, staff are expected to recommend high cost live face-to-face statewide delivery methods when required to meet objectives, even though lower cost methods might result in the availability of additional funding for other education efforts. Staff support faculty in designing courses that make appropriate and effective use of face-to-face delivery.

This document details the analysis and rationale for live face-to-face statewide programs considered by the Governing Committee for the 2018-20 Education Plan period. Live face-to-face delivery can uniquely achieve certain learning objectives, detailed below. The first five benefits described below are unique to live face-to-face education as demonstrated by scientific research and our participants' experience. Although some benefits of face-to-face delivery are also available through live distance education, they are usually less effective at a distance. The next four benefits described below are more effective in face-to-face delivery but are also available to some degree in live distance education. The final three benefits below are uniquely effective in live distance education.

Benefits Unique to Live Face-to-Face Delivery

1. *Uninterrupted single-focus learning:* Although distance education is conveniently accessible to the learner in his or her workplace, for instance, the judge¹ in chambers, it also makes the learner accessible to interruptions and prone to multi-tasking. Multi-tasking, far from being efficient, actively interferes with learning,² especially of complex material. Trial court judges have said: "There are too many distractions [at court]. . . as there is always something else to do, like review files for the next day." "I get distracted often when sitting at my desk trying to view an online course."³ In the 2014 *CJER Governing Committee Evaluation of CJER Programs and Products: Survey Report*, over two-thirds of trial judges and over three-quarters of appellate justices surveyed by CJER indicated that live multi-day programs serve their educational needs best.⁴ The judicial officers valued the way live education allows uninterrupted, focused education away from court.
2. *Confidential practice space:* Reassessment of belief systems and habitual behavior, and the acquisition of personal skills that accompany new insights, require a confidential, peer-to-peer practice space. The 2014 *Report of the Experienced Judge Education Workgroup* found that "experienced judges need more live programming, specifically in the areas of courtroom control and communication, and disruptive litigants."⁵ In a face-to-face environment, affective (emotional and empathetic) instruction can more effectively overcome natural resistance to changing personal beliefs, values and stereotypes, especially, for example, in areas such as ethics, self-care, trauma, fairness, and judicial empathy. Most personal skills, including leadership skills, require a

¹ Although the term "judge" is used frequently in this document, this analysis applies equally to all the learners that CJER serves, including judges, subordinate judicial officers, court executive officers, and court personnel.

² American Psychological Association, March 20, 2006: <http://www.apa.org/research/action/multitask.aspx>; <https://www.psychologytoday.com/blog/creativity-without-borders/201405/the-myth-multitasking>

³ 2014 *CJER Governing Committee Evaluation of CJER Programs and Products: Survey Report*, pp. 24, 20.

⁴ 2014 *CJER Governing Committee Evaluation of CJER Programs and Products: Survey Report*, p. 16

⁵ 2014 *Report of the Experienced Judge Education Workgroup*, p. 11

face-to-face, interactive space where participants can try out new skills – in role-playing, for instance – and share the discomfort and risk of failure with peers. Unfortunately, recorded or live-at-a-distance education can afford low participation and minimal emotional engagement, making it far less effective for affective learning and acquiring inter-personal skills.

3. *A community of learning in and out of the classroom:* During face-to-face education, peer-to-peer interaction mitigates professional isolation, and lays the foundation for educational social interaction beyond the classroom. Face-to-face education can also lay the foundation for subsequent educational peer-to-peer interaction and energize subsequent distance education. Distance education, especially in an asynchronous environment, does not have the same impact. The value of peer-to-peer interaction increases for those in unique roles at their own courts. Presiding judges and court executive officers, for instance, do not have local peers in similar roles with whom to exchange experience and ideas. Trial court judges observe that, “Meeting other judges from across the state and learning how other areas do things is invaluable.” “We can all read. We can all access the computer. What we can’t do is access each other. We are locked into a system where we are isolated in our courtrooms and our chambers. We need to TALK to each other.”⁶
4. *Multi-sensory experience:* Participation in live face-to-face education activates multiple senses to a far greater degree than recorded or live at-a-distance education. The more senses involved in a learning experience, the easier it is for the brain to pay attention in the moment and to access memories later,⁷ two important neurological processes associated with learning.
5. *Ample time for in-depth learning:* Legal education, which is complicated and nuanced, requires time, without interruptions, for learners to explore a fully developed context and make use of educational scaffolding, a cognitive sequencing that supports in-depth learning.⁸ Currently, live distance education has practical time limitations (it is difficult to be in a web-based or telephone-based course for more than two hours at one sitting). Experienced judges particularly express the need for in-depth learning. The 2014 *Report of the Experienced Judge Education Workgroup* noted that, “For experienced judges, however, the opportunity to reflect on the role of the judge, how judges make decisions, and how to take one’s judging ‘to the next level’ is a valuable area of educational support.” Discrete, small chunks of content work well with specific, process-oriented content. More abstract conceptual work and new ideas require time to build up to and process.

Benefits Uniquely Effective in Face-to-Face Delivery, But Also Present in Live Distance Education

6. *Collaborative learning:* Participants can tackle problems and discuss questions together to some extent in distance and asynchronous environments, a key opportunity for learning. According to the constructivist learning theories favored by many adult education experts, especially in the work of psychologist Lev Vygotsky, social interaction, like discussion and team problem-solving, is fundamental to the development of cognition.⁹ Collaborative learning in a face-to-face environment, however, tends to accelerate and extend cognition-building social interaction beyond what can be achieved at a distance. Trial court judges affirm the value of collaborative learning for their work: “Audience involvement is very important. The speakers don’t have all the answers.” “You have a chance to learn from the other students -- discussions are often the most valuable part of class.”¹⁰

⁶ 2014 *CJER Governing Committee Evaluation of CJER Programs and Products: Survey Report*, pp. 17, 18

⁷ *Research-Based Strategies to Ignite Student Learning*, Judy Willis (Association for Supervision & Curriculum Development: 2007), http://www.ascd.org/publications/books/107006/chapters/Memory,_Learning,_and_Test-Taking_Success.aspx

⁸ Larkin, M. (2002). *Using scaffolded instruction to optimize learning*. <http://www.vtaide.com/png/ERIC/Scaffolding.htm>

⁹ Vygotsky, L. S. (1978). *Mind in society: The development of higher psychological processes*. Cambridge, MA: Harvard University Press, cited in: McLeod, S. A. (2014). Lev Vygotsky. Retrieved from www.simplypsychology.org/vygotsky.html

¹⁰ 2014 *CJER Governing Committee Evaluation of CJER Programs and Products: Survey Report*, p. 18

7. *Immediate verbal and nonverbal feedback:* When participants receive and offer feedback in the moment, learning is accelerated. Participant feedback, including non-verbal communication, helps faculty respond immediately to various learning needs in the classroom and offer differentiated instruction.¹¹ A trial judge notes that in face-to-face education “instructors are able to adapt to the class and be more responsive to the needs of students.”¹² Live distance education can minimize or eliminate non-verbal communication, though verbal feedback can occur at a distance.
8. *Immersive adoption of a new role:* In game theory, multi-sensory experiences and emotional engagement prompt participants to adopt the mindset of a new character.¹³ Live face-to-face training effectively creates an immersive environment that helps new judges, court leaders and staff internalize the mindset and technical skills of a role that is new to them. Live distance education does not (yet) emulate the character-based interaction of online games.
9. *Creativity and innovation:* Creative problem solving often comes from less focused, goal-oriented cognitive exploration and the stimulation of new environments and social interaction. New learning, interaction with new people, and breaks from the daily routine can prompt an expansion of the solution horizon. One trial court judge puts it this way, “Live courses away from court have a value far beyond the educational content. The change of scenery, interchange with colleagues from other courts, and some element of recreation are important for all of us.”¹⁴ Live distance education can provide broadly stimulating new information and cognitive activity, but it is not dramatically different in context or social interaction, and tends to be less effective in stimulating creativity.

Benefits Uniquely Effective in Live Distance Education

10. *Accessibility:* No education works when it is inaccessible to participants or faculty. Statewide face-to-face events are accessible to some but not all of the potential audience and faculty, because of the amount of time and cost to travel. Live education at a distance is accessible to a far greater number of participants and faculty because they do not need to travel to participate.
11. *Reduced cost:* No education is available if it is too costly to deliver in a statewide face-to-face event. Statewide face-to-face events require funding for participant and faculty lodging and meals, faculty transportation and equipment and meeting room rental. Live education at a distance is available to learners when no funding is available for CJER to provide a live face-to-face event.
12. *Timeliness:* When educational outcomes require rapid delivery to a statewide audience, live education at a distance can be implemented quickly and multiple times to achieve time-sensitive objectives. Statewide events require much more time to deliver because of mandated government procurement rules, hotel venue selection, contract negotiation and writing, registration-site development, and a host of other administrative logistics.

¹¹ “Meeting Students Where They Are,” Tracy Heubner, *Educational Leadership*, February 2010, Volume 67, Number 5, Pages 79-81 <http://www.ascd.org/publications/educational-leadership/feb10/vol67/num05/Differentiated-Learning.aspx>

¹² 2014 *CJER Governing Committee Evaluation of CJER Programs and Products: Survey Report*, p. 18

¹³ “Serious Games for Immersive Cultural Training: Creating a Living World,” Marjorie A. Zielke, *IEEE Computer Graphics and Applications*, Volume 29, Issue 2, March-April 2009. DOI: 10.1109/MCG.2009.30 <http://ieeexplore.ieee.org/abstract/document/4797516/>

¹⁴ 2014 *CJER Governing Committee Evaluation of CJER Programs and Products: Survey Report*, p. 19

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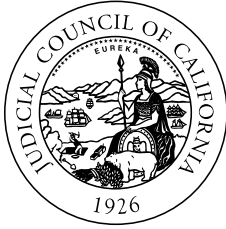
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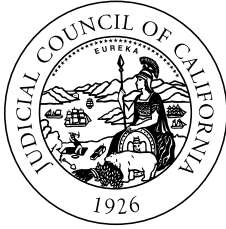
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