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**THE AMERICAN UNIVERSITY**

**CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT**

Institute for Advanced Studies in Justice

The American University Law School

Washington, D.C.

A Program of the  
Office of Regional Operations  
(Adjudication Division)  
Law Enforcement Assistance Administration  
U.S. Department of Justice

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ASSISTANCE TO THE OREGON JUDICIAL  
COLLEGE IN THE DEVELOPMENT OF  
A CAREER EDUCATIONAL PLAN  
FOR THE OREGON JUDICIARY

RECEIVED  
NOV 15 1977  
ACQUISITION

September 1977

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This report was prepared in conjunction with The American University Law School Criminal Courts Technical Assistance Project, under a contract with the Law Enforcement Assistance Administration of the U.S. Department of Justice.

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TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION. . . . .	.1
II. ANALYSIS OF EXISTING SITUATION. . . . .	.3
III. RECOMMENDATIONS . . . . .	.6
A. Improvement of the Present Program. . . . .	.6
B. Additional Program Possibilities. . . . .	.7
C. Long Range Considerations . . . . .	.8
IV. SUMMARY . . . . .	.9
APPENDIX A: Maturation As A Guide To Learning	

## I. INTRODUCTION

The Director of the Oregon Judicial College, Judge Thomas Russell, requested technical assistance from LEAA's Criminal Courts Technical Assistance Project at the American University Law Institute for the purpose of assisting the college in the development of a long-term educational plan for the Oregon Judiciary.

Oregon had been sponsoring education programs for their judges for the past eight years under the direction of an education committee composed of judges from the various courts in the state. These programs, however, had been developed on an "as needed" basis, rather than as components of a career education plan. In 1976, the Judicial College was formed and Judge Russell was appointed Director. His technical assistance request was in response to his desire to reassess the existing programs offered in the state and to begin to develop a comprehensive career education plan utilizing the most effective learning techniques.

Judge Russell specifically requested the consultative services of Dr. Malcolm Knowles with the Department of Adult and Community College Education at North Carolina State University, Dr. David Hartl with the Center for Training and Development of the School of Public Administration at the University of Southern California, and Mr. Felix Stumpf with the National College of the State Judiciary. Drs. Knowles and Hartl were selected for their recognized expertise in adult education technique and planning and Mr. Stumpf for his expertise experience judicial education programing at the National College.

After reviewing relevant background information supplied by Judge Russell, the consulting team spent three days in Oregon late August. During this time, they spent one day individually observing a circuit

court judge on the bench, and then interviewed them to gain their perception of judicial education needs, as well as meeting with Judge Russell and the Oregon Judicial College Committee. A wrap-up meeting was held with the College staff committee and judicial trainers from Idaho and Washington. The consultants analysis and recommendations are contained in the following report.

## II. ANALYSIS OF EXISTING SITUATION

The present continuing professional education program of the Oregon Judicial College consists of three components:

1. An orientation program for new judges, consisting of three days of individual or group instruction, two days of tours to institutions, and available-as-needed individual counseling. All of the judges interviewed, and members of the Committee, agreed that the orientation program was facilitating new judges in getting launched into their new roles, but they and the consultants had some suggestions for improvement of the program that will be reported in the next section.
2. Publications, including bench books, manuals, and a periodical newsletter. The publications were regarded by both the interviewees and members of the Committee as of excellent quality and useful references. No effort has been made to obtain evaluative data from judges in the field, and there is no evidence as to the frequency or extent of their use.
3. A total of about three days of educational presentations at judicial conferences in the spring and fall, for the purpose of providing updated information on new laws, new decisions, and sometimes substantive issues. The interviewees evaluated these sessions as sometimes useful, but frequently dull. The Committee expressed disappointment that these sessions had no cumulative themes, and therefore lacked any sense of continuity.

The principal issue that emerged from this consultation was the question, "Is there a developmental sequence of tasks performed -- and therefore competencies required -- by judges at different stages of their career (e.g., 0-11 months, 1-2 years, 2-4 years, 4 and more years), and

if so, what is it and how might the College program be attuned to it?"

All of the interviewees held the opinion that a new judge acquired all the competencies required for performing this role during his first year, and that after that he needed only information up-dating regarding new laws and decisions. The Committee seemed less certain that this was the case, but were unable to describe what the developmental process might be.

As the consultants see it, a sequence of developmental needs may arise from either internal changes in the learner, such as maturation processes (See Appendix A) or from external forces emanating from changes in role requirements. One could speculate that a maturation process does take place during the career of a judge as he moves from neophyte toward increasing seniority. For example, perhaps he should move from "small abilities" such as literally applying the law toward "large abilities" such as seeking to eliminate the causes of injustice. Or perhaps he should move from "few functions" such as presiding in court to "many functions" such as providing leadership in his community. But the interviewees rejected the notion that a judge had any responsibility to enlarge himself unless that was his personal choice. And presumably there is no clearcut consensus in society regarding this issue. But evidence was obtained from at least one experienced judge that there is danger of judges becoming bored with a routine that presents few new challenges and requires no personal growth in competencies after an initial period. He actually reported that although he liked "judging" (presumably because of the prestige and power it accorded him), he would retire now if the law would permit because he was bored. And his mechanistic, detached, unrelational performance in the courtroom could easily have been replaced by a tape recorder or computer.

The other source of developmental needs, natural changes in the role, drew an equal blank in this consultation. None of the interviewees or committee members was able to specify any natural progression up a hierarchy of role, such as from generalist to specialist or from low-level responsibilities

to high-level responsibilities. In the eyes of the sources of data available to the consultants, the role of judge is a fairly static one within a given court system, such as the district courts or circuit courts. The consultants left this experience with some reservations about this being necessarily the reality, and have a recommendation to make in the next section regarding a further exploration of this issue.

However, if this is the reality, then clearly the present policy of the Oregon Judicial College of basing its program on the informational needs of the judges is in keeping with that reality. In the absence of some clear developmental process in either the individual judges or in the role, it has no other choice.

A second issue that emerged from this consultation was the almost exclusive attention paid in most legal education, including that of the Oregon Judicial College, to cognitive development to the exclusion of affective development. And yet the consultants picked up many clues from their interviewees -- which were largely authenticated by committee members -- that among the problems judges typically have most difficulty coping with are handling stress, empathizing, handling power, decision-making, managing feelings in the court room, and the like. It was agreed that the College's program could be strengthened in this regard.

A third issue was the absence of any systematic way for a judge to get evaluative feedback regarding his performance -- which is probably the single most potent technique for continuing self-development. A recommendation regarding this issue was also forthcoming.

A fourth issue was the relatively isolated position many judges occupy in their profession -- especially in the rural areas. The source of psychic support or "stroking" that are available to most other professions are often denied to judges. A recommendation is being made regarding this issue, as well.

### III. RECOMMENDATIONS

#### A. Improvement of the Present Program

At the request of the Judicial College Committee, the consultants made the following suggestions for making the present program more congruent with modern concepts of adult education:

- Periodically conduct a census of practicing judges (and perhaps trial lawyers, court administrators, and others) regarding problems they are encountering that they would like to have help on -- in contrast to subject matter content they want to have transmitted to them. Then the educational activities at the semi-annual meetings could be organized around problem-centered real life situations rather than content-transmission units. (Such a census would probably have to be couched in face-saving language, such as "In what aspects of their day-to-day work do judges frequently experience doubts, frustrations, internal conflict, feelings of guilt, etc.?" )
- Greater use might be made of the resources of peers if they were put in the role not of "experts" but of "experience-sharers."
- Greater depth of behavioral change could be achieved if the semi-annual sessions were extended from 1 1/2 days to 3 or even 5 days.
- Straight lecture sessions seldom produce much change. A meeting format that starts with small-group polling of questions, concerns, or problems, then provides input by a content specialist (especially if he or she relates the input to the questions), and close with a discussion of the application of the input to the questions and problems, is much more likely to make an impact. The involvement of learners in an active process of inquiry is a key concept in modern adult education theory and practice.

B. Additional Program Possibilities

The consultants engaged the Committee in a "brainstorming session" that produced the following ideas for possible future implementation.

- Institute a system of periodic rotation of judges to other courts for short-term duty -- preferably with a "learning contract" specifying what they intend to learn from the experience. (It was agreed that this policy could be implemented quickly with the concurrence of appropriate authorities in the judicial system).
- Institutionalize periodic feedback sessions (e.g., as a part of the program at the semi-annual judicial conferences) in which judges would demonstrate how they would handle critical-incident situations, and would receive feedback from a panel of observers. This could be used as a device for helping judges diagnose learning needs and develop self-development plans. (It was agreed that this would work best if put on a voluntary basis, and could be implemented at the fall conference. One of the members of the Committee had participated in such a session and would be willing to organize it).
- Institutionalize a "buddy system" in which each judge would be paired with a peer for periodic mutual consultation. This principle could also be extended to a "network" of several peers. (It was agreed that this activity would probable also work best if put on a voluntary basis, and that it was probably most needed by judges in rural areas, district judges, and justices of the peace). It was further suggested that at the next conference the judges might be grouped according to geographical areas to discuss the formation of local networks.
- Build into future programs more opportunities for the judges to experience affective learnings (handling stress, empathizing, etc.). the consultants provided several references describing such

educational activities for the consideration of the Committee.

- Make available to judges the opportunity to have videotapes of samples of their courtroom performances made for their own assessment according to agreed-upon criteria. Some judges may want to have the assessment of others as well. It was agreed that it might be feasible to experiment with a few trial runs of this procedure.
- Institute a policy of graduate preparation (LLM) for judicial appointment. It was agreed that much more planning would have to be done before this idea could be implemented.
- Provide a computerized research and/or instruction system statewide. It was agreed that this idea was for far-future consideration also.

C. Long Range Considerations

Clearly much more needs to be known about the roles, tasks, and competency requirements of judges before a sequential program of continuing professional development can be designed.

The consultants would like to urge that an appropriate national organ of the judiciary take the leadership in having such a study made. Similar studies of other professional roles have resulted in much improved professional development programs. Some organizations with experience in the development of competency models include:

Institute for Competence Development  
McBer Company  
137 Newbury Street  
Boston, Massachusetts 02116  
Dr. David McClelland

Academic Overtures, Inc.  
150 South Los Roolles  
Pasadena, California 91101

Scientific Methods, Inc.  
Box 195  
Austin, Texas 78767

Towers, Perrin, Foster & Crosby  
600 Third Avenue  
New York, New York 10016

Center for Human Potential  
164 Division Street  
Elgin, Illinois 60120

Personnel Decisions Inc.  
821 Marquette Avenue  
Minneapolis, Minnesota 55402

Center for Occupational & Professional Assessment  
Educational Testing Service  
Princeton, New Jersey 08540

#### IV. SUMMARY

The consultants left this experience deeply impressed with the commitment, creativity, eagerness-to-learn of the Director and Committee of the Oregon Judicial College. They are convinced that conditions in Oregon are ripe for major innovations in judicial continuing education; and the consultants agree with them. Obviously the need is urgent and clearly a laboratory for the nation is available.

## A Multi-Dimensional Approach to Liberal Education

By Malcolm S. Knowles

Assuming that the ultimate objective of liberal education is the completely self-fulfilled individual -- the individual who has achieved all of his potential -- I have grown increasingly dissatisfied in recent years with the current status of theory and practice in education, and especially in adult education. For the more I have observed the products of what we evaluate as the best of liberal education -- the "good" liberal arts colleges -- the more I have become convinced that their education has been guided by something less than a comprehensive plan for total development of potential.

Specifically, while the products of liberal education seem to be well developed on the whole in some areas of general and special knowledge, the ability to read critically, the ability to think abstractly, and the like, they are quite universally underdeveloped in such areas as emotional maturity, the ability to relate to other people interdependently, clarity of self-concept, the ability to use data from their experience for continuing change and growth, and the like. Apparently it is possible within our present framework of thinking about liberal education for an individual to become fixated in the early stages of some areas of development while flourishing in others. The resulting imbalance is, according to my definition, anti-liberal.

The more I reflected on this misfeasance of education, the clearer it seemed that it was the result not of just poor practice, but of poor theory as well. Humanistic theories almost by definition overemphasize the intellectual content of learning and place an all but blind faith in the secondary learnings that can occur in the course of cognitive learning. The experiential theories are typically better rounded in their conception of the potentials of human beings, but they provide inadequate guidance in the direction of growth. And neither line of theorizing has provided a satisfactory conception of a continuum of learning throughout the life span.

Impelled by this sense of dissatisfaction, I began searching for more adequate guide-lines for learning. The first clue to a new approach was provided by a lecture I heard Franz Alexander give in the forties, but which I have never seen in print, in which he discussed the psychiatric meaning of maturity and equated it essentially with altruism. A second clue was added by Carl Rogers' concept of self-actualization as "the forward-moving tendency of the human organism."<sup>1</sup> A third clue was provided by Harry Overstreet's maturity concept, which defines maturity as a process, not a condition, and a mature person as "one whose linkages with life are constantly becoming stronger and richer."<sup>2</sup> A fourth clue came from John Walker Powell's definition of maturity as consisting of "the ability to utilize the fully developed powers characteristic

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\*Reprinted from Leadership in Voluntary Enterprise (ed. Charles W. Merrifield), New York: Oceana Publications, Inc., 1961, pp. 149-153.

<sup>1</sup>Carl R. Rogers, Client-Centered Therapy, pp. 487-91. Boston: Houghton Mifflin Company, 1951.

<sup>2</sup>Harry A. Overstreet, The Mature Mind, p. 43. New York: W. W. Norton and Company, 1949.

of (the) species in the service of ends which arise out of its characteristic organization and structure."<sup>1</sup> A fifth clue was found in Erich Fromm's concept of alienation: "By alienation is meant a mode of experience in which the person experiences himself as alien. He has become, one might say, estranged from himself. He does not experience himself as the center of his world, as the creator of his own acts -- but his acts and their consequences have become his masters."<sup>2</sup> The final clue came from Edward Stainbrook, head of the psychiatric services at the University of Southern California during his leadership of a seminar for leaders of national organizations in 1958. He planted the notion that the process of maturation could be made more useful if it could be dissected into various dimensions.

Stimulated by these influences, I have scanned the literature of psychology and psychiatry this past year in an attempt to identify the crucial dimensions of the maturation process. To date I have come up with a list of fifteen, which are given below. I present them with great tentativeness, in the hope that others will enter into the process of refining, clarifying, and testing them. My greatest hope is that they will provide some hypotheses for research.

The essential characteristic of these dimensions of maturation is that they define directions of growth, not absolute states:

#### Dimensions of Maturation

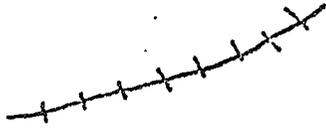
1. From dependence . . . . . toward autonomy.
2. From passivity . . . . . toward activity.
3. From small abilities . . . . . toward large abilities.
4. From few functions . . . . . toward many functions.
5. From narrow interests . . . . . toward broad interests.
6. From egocentricity . . . . . toward altruism.
7. From ignorance . . . . . toward enlightenment.
8. From subjectivity . . . . . toward objectivity.
9. From self-rejection . . . . . toward self-acceptance.
10. From focus on particulars . . . . . toward focus on principles.
11. From amorphous self-concept . . . . . toward integrated self-concept.
12. From static concerns . . . . . toward expanding concerns.
13. From imitation . . . . . toward originality.
14. From need for certainty . . . . . toward tolerance for ambiguity.
15. From irrationality . . . . . toward rationality.

<sup>1</sup>John Walker Powell, Education for Maturity, p. 36. New York: Hermitage House, 1949.

<sup>2</sup>Erich Fromm, The Sane Society, p. 120. New York: Rinehart and Company, 1955.

Several preliminary implications for learning and teaching can be drawn from this multi-dimensional way of looking at the process of maturation.

1. Each person moves on a scale from zero to infinity in each dimension throughout life. Therefore, each learning experience, to be maximumly effective, must be planned in the context of past and future developments in each dimension so as to produce unity, sequence, and integration of development.



Planned development



Unplanned development

2. Each experience in an individual's life has an effect in his development in each dimension that is positive, negative, or reinforcing. Therefore, in planning a learning experience an assessment must be made as to the effect it will have on each dimension of growth, and the full range of effects must be included in the formulation of learning objectives and in evaluating outcomes.

3. A change in one dimension tends to produce changes in one or more other dimensions either negatively or positively. Therefore, a learning experience planned to produce positive change in one dimension (e.g., ignorance-enlightenment) must be designed so as to avoid producing negative changes in other dimensions (e.g., dependency-autonomy).

Perhaps the overarching implication of this approach is the shift that it involves from a primary concern for the systematic organization of subject-matter to the developmental organization of total learning experiences. When the psychometrists can provide us with tests that will measure the position of a given individual on each scale of maturation, we shall then be able to plan learning experiences that will promote growth toward full potential. And the false dichotomies between liberal, vocational, recreational, etc., education will disappear. For we can then provide learning experiences in vocational areas that will contribute to such liberal ends as movement from dependency to autonomy, and we can provide learning experiences in the humanities that will not be anti-educational in emotional development. Until then we shall have to rely on increasingly sensitive and artistic teaching.