

MINUTES

Education Committee

Tuesday, December 6, 2016 // Boise, Idaho

Committee members in attendance included: Justice Joel Horton, Chair, Judge David Gratton, Judge David Nye, Judge Lynn Norton, Judge Richard Christensen, Judge Gregory Culet, Judge Calvin Campbell, Suzanne Johnson, Mary Lou Hansen, Don Burnett, Marilyn Miller and Mahmood Sheikh. Janica Bisharat attended as the Director of the Court Management Division, Ileen Gerstenberger attended as the Senior Manager of the Education Department and Judge Michael McLaughlin and Judge Debra Heise attended as Judicial Education Advisors. Kim Woods served as the recorder.

Judge David Epis and Diane Skidmore were unable to attend.

A. Welcome

Committee Chair, Justice Joel Horton welcomed committee members and called the meeting to order at 9:02 a.m. The committee members introduced themselves for the benefit of the new members.

B. Approval of Minutes of the April 26, 2016, Education Committee

IT WAS MOVED BY JUDGE GRATTON AND SECONDED BY JUDGE CAMPBELL TO APPROVE THE MINUTES OF THE APRIL 26, 2016, EDUCATION COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

C. Report on Outcomes from Education Events since April Meeting

Ileen shared a synopsis of the educational programming coordinated since the April, 2016 meeting which included the highlights and evaluation outcomes for these conferences.

Judge Heise reported that the Magistrate Conference was held in Coeur d'Alene in May of 2016 and was very well received. Keynote speakers included Jonathan Martinis on the topic of Alternatives to Full Guardianships and Conservatorships and John Medina on the topic of The Human Brain and Declarative, Working and Episodic Memory.

Judge McLaughlin reported that 98% of the judiciary attended the 2016 Judicial Conference, which was held in Boise in September and featured Justice Rebecca Kourlis on the topic of Improving the Legal System. There was also an informative session on pre-trial justice and bail reform which was well received. Attention will continue to focus in the area of pre-trial justice, led by the oversight of Judge James Cawthon and perhaps with input from the Arnold Foundation. Professor Neil Siegel provided an overview of the United States Supreme Court decisions. The committee voiced their appreciation for the presentation from Tom McCabe and Ken Jorgensen stating that hearing the perspective of the attorneys is helpful. Judges liked the condensed format giving the top ten criminal cases.

Judge Ingram attended the Juvenile Caseflow Workshop last week and shared that although the workshop was only a day and a half, relevant work was accomplished in development of the district plans and the workshop was thought provoking.

Suzanne shared that she enjoyed the TCA workshop, which featured Jan Bouch, who is a national expert on coaching great performance and engaged leadership. The workshop provided an opportunity for management to slow down and focus on the importance of their roles.

Ileen shared that the department had more opportunities to send judges to out-of-state trainings. Judge Norton and Judge Kerrick will be attending training on Advanced Criminal Justice in the very near future. Focus topics of this training include better pre-trial release issues and juvenile brain development and brain studies.

Ileen shared that Judge Stegner and Judge Judge recently attended a neuroscience conference sponsored by NCSC. They both thought it was outstanding and that many of the topics addressed should be brought to Idaho for future trainings. Judge Heise shared that Dr. Shen has been invited to the 2017 Magistrate Conference and will address some of these same issues.

Judge Heise and Judge Sullivan recently attended the National Women's conference in Seattle. Most of the presentations featured panels of at least 4 faculty members and she felt it was not as effective as it might have been with a more focused faculty. The conference included a session on transgender issues which was interesting and although those issues may not be highly prevalent in Idaho right now, it was timely information. The committee agreed that training needs to be addressed in this area (as it relates to the law) now.

Action item: The education team will explore resources on the topic of transgender issues from the National Association of Educators for discussion by the Judicial Conference planning team, as a potential topic for the 2017 conference.

The Idaho Institute for Court Management was held on October and planned by a committee, which was very helpful. Mahmood was interested in the topic of courthouse security (which was an IICM break-out session) and mentioned that he would like to explore that topic further for use at a district bar level. Janica mentioned that the court is in the process of appointing a new court security committee which will ultimately be making recommendations which could be an educational focus for judges and district court personnel.

Action item: Judge Heise may invite Dean Adams or Don Burnett to attend Dr. Shen's session at the Magistrate Conference in Moscow.

D. Review Upcoming 2017 Education

There will not be a court reporter conference in 2017, due to time commitments for Odyssey training but the court will support their attendance at the national training or a joint state conference which is scheduled later in the fall of 2017. Also, due to Odyssey implementation, IICM and multi-disciplinary training will not be held in 2017. Funding will be provided to the districts for training in the multi-disciplinary arena as an alternative. Some of the funds will help offset travel for problem solving court personnel for training in Odyssey.

The New Judges Orientation is scheduled for March 13-16 of 2017 in the Supreme Court building (versus the Law and Learning Center) mainly due to the fact that the timing of that conference coincides with Odyssey training for the Wave 1 deployment.

Future NJO sessions will be coordinated as much as possible at the Law Learning Center.

Currently, Odyssey training is not contained in NJO curriculum and that may need to change as we continue to roll out counties in the new system, however support training at the NJO will not eliminate the need for judges to receive initial training just prior to taking the bench. Janica shared that a transition to the bench plan needs to be more closely explored so new judges are better prepared with just-in-time training as they take the bench. This may include more blended learning techniques and online training modules for immediate delivery of information. Concerns were raised over the impact of Odyssey with regards to retirement of sitting judges and critical training needs for the new judges, especially in counties that have already rolled out in Odyssey. Resources are extremely stretched which is why we are focusing on the development of online training resources and more one-on-one training. There needs to be a new judge checklist for Odyssey, for those counties who have rolled out.

Action item: Judge Norton and Judge Campbell will be contacted to help develop a new judge Odyssey checklist.

The 2017 Magistrate (May) and District (June) judges' conferences will both be held in Moscow. Judge Heise and Judge McLaughlin are currently developing subject matter applicable to all judges and will feature several local and national experts. The annual Judicial Conference will be held in Boise in September of 2017. The program planners welcome suggestions for topics and/or faculty from the committee.

Ileen shared that the education department has developed an education request form for use by other departments who have ideas or suggestions for topics for training during conferences and has had good feedback.

E. Odyssey Forms Update

Taunya Jones provided an update on the statewide forms. She shared that an effort has been made to prioritize the expedition process where mandatory forms are designated and finalized. This involves a coordination of efforts from the Magistrate and District Judges work groups. Judges will be given the opportunity to provide feedback about which forms will become mandatory. Judges and Clerks from the counties that have already rolled out in Odyssey will work together to make sure the forms work properly and are useable in Odyssey prior to their becoming mandatory. A tentative timeline for deployment of the new mandatory forms is sometime next fall. Three sets of forms will be housed in Odyssey 1) Mandatory forms 2) forms that have not been mandated and 3) district level non mandatory forms. Justice Horton shared the court's concern about the form development process and mentioned that they will seek raw feedback, which will be reviewed before any form is made mandatory.

F. Feedback from Judges Regarding Conference Planning

For years part of the conferences have been funded through at STOP grant for Domestic Violence and the grant providers have tightened up the restrictions on these funds. We will now receive a percentage of funding based upon a percentage of training provided. The legislature provided additional funding for training that has helped to bridge the gap in available funding.

While reviewing conference evaluation forms, the education department received many suggestions to incorporate more wellness topics or events into conferences. Ileen conducted a brief survey of some of her Western states colleagues and polled whether these states had mandatory education and if not, what is their expectation. All of the states agreed that wellness is an important component. Ileen shared the results of her survey with the committee.

Consideration should be given to the fact that conferences are tax payer funded and we have a responsibility to be mindful with that funding source. There are ways to incorporate wellness topics without it having to be complete free time. There are significant issues that can be addressed under the umbrella of wellness that are still educational. Consideration should potentially be provided for those judges who are remote and don't have the interaction with colleagues except for conference time. Many times, there are meetings before and/or after the actual agenda items during a conference and the program planners have tried to limit those extra meetings. Perhaps longer breaks could be incorporated into the agendas; a later start to the day and/or an earlier end to the day. Attention should be paid to how much business meetings or business practices should be allowed to infringe on delivery of education. What number of hours of education is sufficient? The education department has operated on providing a six hour day (of education). More roundtables could help encourage collegiality as well.

Motion: IT WAS MOVED BY JUDGE GRATTON AND SECONDED BY JUDGE CAMPBELL TO APPROVE THE RECOMMENDATION THAT SIX HOURS (AVERAGE) SERVE AS THE BASE NUMBER OF HOURS PER DAY OF EDUCATION AT CONFERENCES WITH A CONSIDERATION FOR FLEX TIME (STAYING LONGER ONE DAY IN ORDER TO END EARLIER ANOHTHER DAY). THE MOTION PASSED UNANIMOUSLY

Ileen shared that committees were formed this past year to help plan the Judicial Conference and IICM and wondered if the fall conference planning committee should be expanded. The committee agreed that if judges are interested in participating in the planning process, they should be encouraged and welcomed.

Action item: The education department will put forth an invitation in the e-news to the court personnel to solicit membership for the judicial conference planning team to allow for volunteers.

F. Transition of New Committee Members

The education committee members serve on terms. Justice Horton thanked the four committee members, whose terms are expiring, for their service and extended an invitation for them to continue their service with the committee. Judge Nye will continue; Judge Campbell will continue; Judge Culet will continue; Judge Ingram will continue. Suzanne is retiring.

Ileen distributed a proposed onboarding checklist for new committee members and also welcomed our new committee members: Judge Christensen and Diane Skidmore. The committee meets twice per year. The next committee meeting is scheduled for Monday, June 12, 2017, which is a Monday. Suzanne mentioned how important it is to identify how important each member of the committee's input is, especially regarding program planning.

Ileen shared that Judge Juneal Kerrick will be joining the Education Team once she retires replacing Judge McLaughlin as Judicial Education Advisor and in June of 2017, Judge McLaughlin will instead spend time on the bench as a Senior Judge. Judge Heise will remain as the Advisor for Education after she retires next year.

Action item: Education will send out a save the date notice for the June 12 committee meeting.

G. Civic Education for Teachers – Don Burnett

Professor Burnett shared information about the 2016 Idaho Teachers' Institute on Law-Related Civic Education which was held in June of 2016 at the Law and Justice Learning Center. This civic education effort had a judicial focus. Funding help from the federal courts helped to provide cover travel and related expenses for teachers to attend the training and they could submit their work (lesson plan) for CE credit. The program provided a wide array of topics including the rule of law and the role of juries and was very well received. The U of I welcomes the committee's help in distribution of the information about future trainings (especially to teachers statewide). Professor Burnett noted that since he has retired, Katie Ball will be administering the logistics of the ILJLC.

Judge Gratton recently attended a chief judges' conference where attorney/author/producer Jonathan Shapiro (who writes for TV) was a keynote speaker. He spoke to the Chief Justices regarding the opportunity for influences judges have, more than the executive and legislative branches of government. In his keynote he encourages judges to take more of a leadership role. Judge Gratton said he was an excellent and engaging speaker.

Action item: Judge Heise will investigate Jonathan Shapiro's availability for conference faculty.

Action item: Professor Burnett will identify the dates for the 2017 civics training.

H. Update on Curriculum Development

Curriculum development surveys were done years ago for both District and Magistrate Judges. A committee of Magistrate Judges reviewed the topics from their previous survey and worked to refresh the topics and information and then a new survey was distributed to all of the Magistrate judges. A compilation of results were distributed to the committee members and could be very useful for conference planning. Coaching for judges could be an important teaching element and isn't specific to a new judge only. A judge may not realize they need help until they're on the bench for a few years. Long term goals would be to pull out key learning facts from the results of the survey and provide in a specific document to be used as a faculty resource and as a training plan.

I. Demonstration and Discussion of Education Department's Learning Management System

Ileen provided a demonstration of the new Learning Management System, Bridge, which was recently purchased by the Education Department. This new system is being built now but will be a resource of online learning for all of the judicial branch employees and will be especially helpful during the transition to Odyssey. Content that will be housed in Bridge will include training tutorials and modules for the transition to Odyssey

(including quick guides); resources for judges (conference materials, bench guide) and resources for clerks (conference materials, clerks manual). Most of the training tutorials are between 2 and 6 minutes each and will contain imbedded links to any pertinent training materials, which can be opened and printed as necessary. Mahmood volunteered to provide copies of CLE and ISB section materials to the court, for use in the resource library for judges.

J. Judicial Performance – Education Resources for Judges

Janica shared that during the legislative session the court was granted funds to aid in reformatting the survey electronically and the HR office will be moving forward with that effort. An education component was included within the funding, but the mentor judge allocation was not incorporated. The committee's input is welcome as to what types of resources could be connected to those individuals in need. Ileen has been in contact with Jan Bouch who is a national expert in this area for her ideas. Ileen noted that the mentor judge positions are currently vacant.

Action item: Ileen will provide a copy of the evaluation instrument to the committee to help solicit feedback from the committee regarding direction of how to use those legislative funds to provide resources to judges in the areas of professional development and improvement. Ileen will reach out to Jan Bouch for her insight and will provide a list of suggestions/recommendations for input and review by the committee at the June meeting. Ileen will also reach out to NCSC to see if they've done work in this area.

K. Update on Budget Priorities for 2017

Janica shared that the request for an additional education department position did not go through the legislature. The committee's input on where additional resources are needed is important. An effort has been made to reach out statewide for use of local resources to help, especially regarding the deployment of Odyssey. Don Burnett noted that the legislature appreciates civic education and perhaps a position request could be crafted as an education person with a civic education and outreach component.

2:58 meeting adjourned