



JUDICIAL COUNCIL OF CALIFORNIA

CENTER FOR JUDICIAL EDUCATION AND
RESEARCH ADVISORY COMMITTEE

CJER Advisory Committee Meeting Minutes September 3, 2019 San Francisco

Present: Hon. Kimberly A. Gaab, Hon. Darrell S. Mavis, Mr. Joseph Ford, Hon. Janet Gaard, Mr. Jason Galkin, Hon. Michael S. Groch, Hon. Mark A. Juhas, Hon. Michael A. Knish, Mr. Kevin J. Lane, Hon. Elizabeth G. Macias, Hon. Mary Ann O'Malley, Hon. Gayle L. Peron, Ms. Bonnie Sloan, Hon. Robert J. Trentacosta, Dr. Cindy Van Schooten, Hon. Daniel Zeke Zeidler

Staff: Ms. Karene Alvarado, Dr. Mary Ann Koory, Mr. Gavin Lane, Mr. Jason Mayo, Mr. Mike Missiaen, Ms. Wynne Nielsen, Ms. Adetunji Olude, Ms. Catherine Ongiri, Mr. Robert Oyung, Ms. Rhonda Sharbono, Mr. Steven Warner, Ms. Nanette Zavala, Ms. Hazel Houle

Not Present: Hon. Richard D. Huffman, Hon. Michele M. Castillo, Hon. Michael A. Fagalde, Mr. Martin Hoshino

Opening

Judge Gaab opened the meeting at 10:00 a.m. and announced that the first agenda item was open to the public.

OPEN MEETING

Review and Discuss Draft 2020-2022 Education Plan

Judge Gaab explained that because the Education Plan will be submitted to the Judicial Council, this item is subject to the Open Meeting Rule and this discussion is now public.

Karene Alvarado noted that accompanying materials for the discussion can be found in the binder: the draft 2020-2022 Education Plan, and a narrative explanation of the research that details and supports the unique and uniquely effective benefits of both live face-to-face education and distance education. Ms. Alvarado pointed out that the draft 2020-2022 Education Plan includes statewide courses and lists capacities for distance education. The idea is that the curriculum committees have for years recommended the same programs over and over for statewide consumption. What changes, typically, are the distance education products. Those products are delivered via videos, webinars, podcasts, or online courses – and are the products

that the curriculum committees utilize to fill in the gaps in their curricula. So, the education plan includes the specific statewide products and only lists capacities for the distance education products. She said that the curriculum committees are meeting now to create their plans, which will include detailed information about the specific number and items they would like for distance education products. So, we're just looking at the draft today, in case the curriculum committees have any recommended changes to statewide programming already on the draft education plan. Once the curriculum committees have provided their input, the education plan will be finalized and you will be asked to approve it at your December meeting.

As you look at the draft education plan you can see that it lists all the statewide programs that are standard offerings that we are confident that the curriculum committees will ultimately recommend. Then, if you look at later pages of the education plan, for example page 10, you'll see that we've defined capacities for the distance education, for example, webinars, or different types of videos. These are the items that the curriculum committees have some flexibility with. If you've been on the committee for a while, you may recall that in the past, prior to the 18-20 plan, all these distance education items were spelled out by individual topic and title. Because the education plan is being designed 3 years in advance for some of the products, the curriculum committees would find that over time the educational needs of the branch might change, and they might want to shift topics and change the distance delivery items. That became administratively difficult, because it was a document that was approved by CJER Advisory Committee and the Judicial Council, and CJER staff was required to come to the advisory committee over and over again to get approval for the changes that the curriculum committees were recommending on topics. They would change a webinar topic from A to B and we would need to seek approval. This appeared to result in a less than ideal use of your meeting time.

So, we switched the plan to this format, wherein you are approving the specific live statewide programs and only capacities for the distance education items. CJER staff has determined these capacities based upon staffing resources and workloads. In the Fall, when the curriculum committees meet, they will make decisions about the distance education items that they want. And we will put those on a document that we call the education implementation plan. It's our operational plan. It's really an internal document for us to manage the delivery of these products that the curriculum committees will be recommending, and we report to you on a quarterly basis so that you know the products being delivered in distance education.

We have 9 different curriculum committees and they will make their recommendations and staff will allocate resources. We will come to you if we have trouble allocating resources. For example, in the case of webinars, if the 9 different curriculum committees each ask for 10 webinars, we're going to have a problem with resources because we only have a capacity of 20. That's when we will come to CJERAC and get more guidance on which committee would get more webinars. Some of those decisions are formed by, for example, when you're looking at judicial education, the number of case filings in the state and the number of judges, which will dictate that more resources are going to be allocated to education in the area of criminal law, for

example. The good news is that we've found in the last couple of education plans that for the most part, we're able to meet all the needs of the curriculum committees with our existing capacities.

So, in summary, what we will be asking of you today is to look at this draft education plan, which has spelled out the statewide offerings, including the updates that we made to publications and online courses, and the capacities for the distance education items. The statewide programs are the most expensive products that we offer. Pursuant to the direction the Judicial Council made several years ago, you must perform a cost-benefit analysis in deciding to allocate the majority of our resources, both human and financial, to these very expensive programs, as opposed to doing them in a less expensive way, and, of course, distance education is less expensive. You will find in your materials the cost-benefit analysis. Hopefully, you have had time to review it; it has not changed since the last time we provided it to you.

Mary Ann Koory summarized the cost-benefit analysis by noting that it is based on research into educational methods and modes, especially with regard to what delivery method is the most effective for with kinds of content. Live face-to-face delivery in person tends to have the ability for uninterrupted focus, more social engagement and a space to practice new skills and concepts in a confidential setting. It's hard to feel that same level of safety on a webinar. Further, live education helps create a learning community by allowing for the sharing perspectives and networking and building relationships with people who can provide information later outside of the classroom. All these things are more likely to happen in person. Additionally, in-person learning helps with the creation of long-term memories. Better memories are created when multiple senses are involved. If you receive information on the telephone it's less engaging and harder to move that information from working memory to long-term memory because only the auditory sense is involved. In person learning allows learners to spend the time that is required for in-depth learning. Spending the time necessary in a distance format is challenging since it's more difficult to pay attention when we're at a distance.

Distance education offers its own benefits, of course. Accessibility: If you're unable to get to the location, you can't get the education, and it's more important to get some education than none. If we don't have resources for something, then sometimes distance education can step into that gap. Timeliness: It takes up to 18 months from the beginning of our process to set up a complicated live in-person event, due to contracts that we need to set up. If we really need to swing into action, if a lot has changed and we need to put out some information, then distance education is a great option.

We've provided a basic Venn diagram demonstrating in the middle the shared benefits of live and distance education and on the sides the unique benefits of each. For instance, collaboration can happen online and in person, though in person it's more effective. Immediate feedback can happen in both but again, in person is more effective, especially since non-verbal feedback can be absorbed in person. In front of a classroom, you know instantly when you've lost everybody. You can read the cues. Creativity can happen in both modes. Again, it tends to be more effective

live because you're not in your usual space, which can spark a new frame of reference and a new way of thinking. But you can do it to some extent online as well.

Judge Gaab said that in the past we've had a lot of discussions about having to cut live education that was not mandated by the California rules of court and the challenges with getting additional education for more experienced judges and the balance between the two. She asked whether in this education plan there is more live education than in previous plans.

Ms. Alvarado responded that this education plan includes the same number of programs of live education that the last plan did, with some caveats having to do with the new judge education. Specifically, after the approval of the 2018-2020 education plan we did add three additional NJO courses due to the large number of new judges appointed and new commissioners hired. Typically, in order to meet demand, rather than adding programs, because it's so incredibly resource-intensive, we expand class size to allow for more participants in a program that has already been planned. One of the things that we have to consider when we expand our class sizes, however, is the impact on the learning in the classroom. We are not going to take an NJO class, for example, and stick it in an auditorium. It would be a completely different learning experience and arguably, a sub-standard one. We make those decisions about expanding class size in collaboration both with curriculum committee members and faculty members. Faculty have the best sense of their course design and how it will work for the people in the classroom. We teach in faculty development ways of making even very large courses highly interactive. You can have a lot of interaction even with the larger class sizes but that interaction tends to be at a table instead of with the room, whereas if you keep a class size at 20 participants you can have all 20 interacting with one another. Both have benefits and some content areas are more suited to the really small class size. For example, Judge Coen, who has been for years teaching the death penalty trials course has made a determination based upon the design of the course that it should not exceed 20 participants. Whereas for the criminal law orientation course, the faculty have agreed to a maximum of 35.

In short, we work hard to balance the needs of the judges who need and want the education and the needs of the participants in the classroom to have a quality learning environment. When we must, we will add additional programs, and we did add three additional NJO sessions this year, because in that program in particular, it is vital to the learning to keep the class size small. And we added an additional criminal law primary assignment orientation class, again, to protect the class size, but still provide accessibility to the content.

Again, the goal for this discussion today is to vote to on this draft education plan. At this point, we assume that the curriculum committees are not going to make any recommendations about changes to statewide programming, but by approving a draft only at this time, we are allowing for any recommended changes. At your December meeting, you will have the opportunity to consider any curriculum committee recommendations about statewide programming, and you will vote to finalize the 2020-2022 Education Plan, which will then go to the Judicial Council for its consideration and approval.

Kevin Lane noted that one of the distance delivery items – the Ten-Minute Mentor – is included at a capacity of only ten. He asked why we wouldn't offer more since these are less expensive than anything else that we do.

Ms. Alvarado said that podcasts were added in the last education plan, and those are even less resource-intensive than Ten-Minute Mentors. Therefore, we plan to encourage the curriculum committees to consider offering podcasts. The Ten-Minute Mentors are videos while podcasts are simply an audio recording that are available online and also can be accessed on one's phone. We have discovered that judges really like listening to podcasts during their commute. We think podcasts are where the resources should be placed as opposed to Ten-Minute Mentors. We'll be having those conversations with the curriculum committees and hope they agree, but we found that in the last education plan that they were enthusiastic about podcasting. They were making more recommendations about podcasts and giving less attention to Ten-Minute Mentors.

Judge Juhas asked whether a video or a webinar could also be recorded and used as a podcast so as to double the offerings. Ms. Alvarado noted that in fact we that's how we started out with podcasts. We were creating some new ones while converting existing Ten-Minute Mentors to podcasts. The videos are harder because the videos are longer and again with the research we've discovered that podcasts should not exceed 20 minutes in length or you lose the listener.

Judge Gaard asked whether there is flexibility in the education plan regarding the scheduling of live statewide programs. For example, with NJO, half of them are noted as being offered in the first year of the plan and half are in the second year. But if the appointments don't work out evenly, do you have the flexibility shift one way or the other? Ms. Alvarado responded that yes, there is flexibility, since the committee will have approved a total number of offerings during the two-year education plan. CJER will offer what is necessary when it is necessary and report regularly to the advisory committee. Our goal is to be able to plan ahead and start the contracting process (for hotels), with your approval.

Mr. Ford moved to approve the draft 2020-2022 Education Plan. Judge Gaard seconded the motion.