

FJC Directions

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From the Director

WILLIAM W SCHWARZER

1

The Future of Judicial Education

DENIS J. HAUPTLY

2

*Cost-Effective Training for
Court Support Personnel*

EMILY Z. HUEBNER

8

152342

*Educational Videos and the
Federal Judiciary*

JODY E. GEORGE

12

152343

Center and JERITT to Exchange Publications & Materials

19

Nominations Sought for New Center Director

19

New Publications Available from the Center

20

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152342-
152343

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Educational Videos and the Federal Judiciary

JODY E. GEORGE

In the last five years, the Center has produced over seventy video programs for education and training purposes.¹ This

article describes several ways video helps the Center deliver high-quality, cost-effective educational programming.²

The Benefits of Video

Video programs complement the Center's education and training activities in several ways. First, when the same educational message is transmitted through a variety of instructors, they can sometimes be muddled or distorted. Video can deliver clear, consistent messages to all viewers. Second, the actual depiction on video of a technique or process – a particular management approach, for example, or an interviewing skill – teaches much more effectively than a written presentation or discussion can. Third, video programs created with the assistance of judges and court staff from around the country expose employees throughout the federal courts to a variety of practices and perspectives and help to create the sense of being part of a national system.

Most important, because they can reach a wide audience

and be used repeatedly, video presentations are an especially cost-effective way for the Center to widen the impact of its education and training services, and they enable the Center to disseminate complicated information quickly to a large audience. For example, shortly after the December 1, 1993, effective date of the amendments to the Federal Rules of Civil Procedure, the Center mailed to all chief district judges a video entitled *The Federal Rules of Civil Procedure: New Challenges in Court Administration*. In this Center-produced program, three judges, including the current and past chairs of the Advisory Committee on Civil Rules, explore the significant implications of the amended rules for court administration and discuss provisions in the rules that authorize individual districts to modify them, or even opt out, by local rule or court order.

Considerations in Producing Center Videos

Producing effective videos is a complex undertaking. The simplest program can take weeks or months to complete. Producers must perform research and consult with other Center staff, Administrative Office personnel, and advisory committees of judges or court staff to develop scripts that are substantively accurate, informative, and interesting. Participants and performers must be found who can convey the proper message and represent the diversity of the federal

court system. The technical aspects of staging, taping, and editing a video program are both time-intensive and labor-intensive. Production costs can be high, although the Center is fortunate to have its own state-of-the-art production facility, which substantially reduces the expense of producing quality video programs. These complexities limit the Center's ability to produce enough video programs to meet the demand.

Requests for new videos on a variety of court management and legal issues, for judges and staff at all levels of the court system, come from a number of sources. The Center's Judicial Education and Court Education Divisions often suggest topics for video programs to include in their curricula. Center advisory committees, Judicial Conference

1. See the sample list of video productions on page 16.

2. This article does not discuss Center-produced audio programs, nor commercially produced audio and video programs on a wide range of subjects that are purchased by the Center and made available to federal judicial branch personnel through the Center's media library.

committees, the Administrative Office of the U.S. Courts, individual judges, and court personnel propose other ideas. In addition, the Center's Publications & Media Division, which produces Center videos, generates proposals of its own.

Because the Center cannot produce every program it is asked to do, setting priorities is crucial. This entails balancing many factors as we try to select programs in which the Center, as the courts' education and research agency, can make a unique and worthwhile contribution. Among those factors, we consider how many people need the information and how quickly they need it and whether other videos or training methods could be used instead. A threshold question is whether a particular topic is suitable for video. For example, would a video be the most cost-effective way to explain a legislative development, or would an outline or monograph suffice? Since a finite amount of resources in both time and money must be used effectively to serve a nation-wide judicial system with diverse local practices and procedures, a clear first choice for production are programs on subjects addressing basic principles that apply in all courts, regardless of size or location.

Types of Video Productions

The Center's videos are significant components of orientation programs for judges and clerk's office staff and support personnel, and they are key elements of Center training packages that develop skills at the local court level. Some Center videos stand alone as self-contained educational programs. These different types of video productions are discussed below.

Orientation Programs for Judges

Most judges are probably familiar with the Center's video orientation series for district, bankruptcy, and magistrate judges. Close to the time their nominations are confirmed, judges are invited to attend a weeklong orientation seminar where they view approximately twelve hours of Center-produced video programs dealing with different aspects of their new duties, such as case management and the art of judging. Written materials, including outlines of the taped lectures, supplement these video presentations. An experienced judge, along with a Center staff member, moderates the seminar and leads discussions.

Through these video seminars, the Center provides basic information to newly appointed judges at a crucial moment,

Since viewers are more likely to retain information if programs capture their attention, we try to choose the most appropriate format for the intended audience and the information being conveyed. In some cases, a lecture format enhanced by various kinds of video graphics works best; in others, demonstrations and dramatizations – which usually use hypothetical cases as factual scenarios – are appropriate. Still others use a combination of the two, or a documentary approach. Unlike Hollywood programs, which are designed mostly for entertainment, the Center's video programs are primarily educational. Consequently, providing accurate information is an overriding concern in most of our decisions about content and style. A new judge faced with a criminal trial is more interested in a clear exposition of legal points and case-management techniques than in the aesthetics of how a particular graphic appears on screen. On the other hand, just as poor printing can detract from a book's educational effectiveness, so, too, poorly executed video techniques detract from a video production's effectiveness.

just before they ascend the bench, when many of them, however accomplished they may be as attorneys, state court judges, or law professors, feel some apprehension about assuming their duties as federal judges. A new district judge who was a civil litigator may need guidance when first sentencing an offender under the Sentencing Guidelines; a new bankruptcy judge who specialized in Chapter 11 workouts, which rarely required contact with people other than opposing counsel, may not be prepared to deal effectively with a pro se debtor who knows little about bankruptcy law and is too intimidated to speak. The video programs, which usually present experienced judges speaking individually or as panelists, serve as a springboard for discussion of these kinds of issues at the orientation sessions. A lot of collaborative effort and planning goes into these productions. Center attorney/producers consult with other Center staff and judicial education committee members to develop an overall seminar agenda and select lecturers, with whom they work closely to develop high-quality video presentations that advance the agenda.

Programs like these video orientations that feature individual speakers or panelists in a static set aren't inherently the best use of the medium, which lends itself to quick ac-

tion scenes. The task we face is how best to use video to meet the Center's educational goals. To capitalize on video's advantages, we try to include demonstrations and depictions of hypothetical cases in many of our productions. To avoid some of the stiffness of the traditional "talking head" format, we attempt to present taped lectures and discussions as much as possible as if they were conversations among friends, an informal opportunity for experienced judges to pass along helpful information to their new colleagues. And because we know how hard it is for an audience to watch attentively even the best video presenter for more than thirty minutes, we limit the length of the programs or build in breaks so that the seminars have an interesting mix of video presentation and live discussion.

Almost as important as the subject matter of the videos is the opportunity the programs provide to expose new judges to the approaches and perspectives of experienced judges from all parts of the United States. These video presentations give many judicial appointees unique access to the views of judges who are known not only for their expertise, but often also for their divergent opinions. Just as there is no one right way to be a doctor or a lawyer, there is no one right way to be a judge. Programs that draw out the different personalities of lecturers and feature both male and female speakers from diverse racial and ethnic backgrounds communicate this message more directly than a printed text. Using video to present the orientation programs has another advantage: It enables judges with heavy caseloads to participate. Busy judges cannot take time off the bench every other month to make an in-person appearance at a seminar, but they are usually happy to spend one or two days at the Center taping a program that can be used over and over again. New appointees are encouraged to telephone or write the judges who participate in the video presentations if they want to explore an issue further following the seminar.

Orientation Programs for Clerk's Office Staff and Support Personnel

Another important group of Center-produced video programs helps orient new clerk's office employees to their duties. These include *Introducing the Federal Courts* and *Procurement in the Federal Courts*, two series that are still in progress. The purpose of these series is to help court employees understand their jobs and the important role they play in the administration of justice by providing an overview of fundamental legal, case-management, and court-administration concepts and principles. Supplemental information, where needed, is included in written materials.

In the level of detail they provide, these video programs are similar to the orientations for judges and most of the Center's other video productions; the format, however, is quite different. For example, "How Criminal Cases Move

Through the District Courts," one program in the series *Introducing the Federal Courts*, follows a hypothetical criminal case from arrest through sentencing and post-trial motions. It relies on a mix of dramatizations, graphics, and inserts of the text of rules and other pertinent documents to make its teaching points. Using the Federal Rules of Criminal Procedure as a framework, the four segments of this program illustrate major steps in the criminal process and discuss the nature of federal crimes, the functions of court, prosecutor, and defense attorney, and the sentencing process.³ An on-camera narrator introduces and concludes each segment, appears periodically to tie information together or further explain particularly complicated material, and points out relevant data in the accompanying written materials. Other programs in the series explain the appellate and bankruptcy processes. There is also an introductory program on the federal court system. A program on the civil process is scheduled for production in 1994.

Unlike the judicial orientation videos that are used within a set seminar curriculum, these orientation programs for court staff are designed so that local trainers can use them with maximum flexibility. In some courts, employees may view them in groups with a trainer on hand to answer questions, while in others, employees may watch them individually. Many courts show the programs to secretaries and law clerks as well as to the deputy clerks for whom they were intended, a practice the Center encourages by giving each district, bankruptcy, and appeals court a copy of each video to keep and use as it wishes on a continuing basis.

Program evaluations suggest that the careful planning and hard work involved in creating dramatizations of hypothetical cases⁴ in these videos pays off in holding viewers' attention and explaining to them more vividly than a lecture could how their jobs fit into the larger justice system. The dramatizations enable docket clerks and other staff to see the process beyond the clerk's office and follow it each step of the way so that they understand, for example, why certain documents are filed and why specific docketing procedures are necessary. With the knowledge imparted in these orientation videos, court staff are prepared to respond more fully to questions from co-workers, parties, counsel, and the public. We hope this also leads to greater job satisfaction for the employees themselves.

3. Each segment consists of a videocassette and an accompanying set of written materials that includes an outline of the program, a glossary, and sample documents and forms.

4. We try to ensure that essential teaching points are not lost in the dramatizations and that the depictions are realistic in every detail, from the way a set looks to the way a judge acts in the courtroom. This includes helping actors, who rarely know much about the federal courts, understand how characters behave in a real court setting (as opposed to *Perry Mason* or *L.A. Law*).

Key Components of Center Training Packages

In addition to video programs intended for group and individual orientation, the Center produces videos used as part of training packages developed by the Court Education Division for nonjudicial court personnel, including probation and pretrial services officers. As discussed in *Cost-Effective Training for Court Support Personnel* (page 8), one way the Center expands the reach of its limited budget and provides training for staff at their workplaces is by developing basic training packages that all courts can use instead of having to create their own, often redundant, training programs. These Center packages frequently include videos along with other curriculum materials and evaluations that trainers, who present the materials in their own courts, can adapt to explain local court practices. The programs are cost-effective

because they can be repeated many times, and they help courts develop staff with training skills who can plan their own programs when necessary.

One example of such a program is *Strategies for Survival: Safety Skills for Probation and Pretrial Services Officers*. Shown in conjunction with a two-day safety skills training seminar that is offered to all probation and pretrial services officers, the



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video consists of three short dramatizations of officers dealing with hazardous situations, an interview with an officer who survived a shooting attempt by an offender, and a segment on victim impact in which five officers discuss their short-term and long-term responses to dangerous situations or threats. From a trainer's point of view, the video segments serve as a catalyst for discussion and interaction among seminar participants because they present the information more compellingly than written materials and lectures could.

Other Video Presentations

Other types of Center-produced videos include the panel presentation on the amendments to the Federal Rules of Civil Procedure, mentioned earlier; taped remarks of the Chief Justice and other Supreme Court justices for presentation at seminars or workshops, which allow the justices to address these gatherings without having to interrupt their schedules to travel to the site; and informational videos about the Center and the federal courts for foreign visitors and others who want to learn more about the federal judicial system.

This year, in consultation with the Court Administration and Case Management Committee of the Judicial Conference and the Administrative Office of the U.S. Courts, the Center will script and produce a video orientation for petit jurors. The video will inform prospective jurors of their role and responsibilities and will replace the outdated video program for petit jurors, which has been used since 1976.

In a new endeavor, the Center is developing multimedia programs which, though not a new phenomenon, are becoming more feasible as the capabilities of personal computers expand. Multimedia programs combine text, graphics, animation, and video and are recorded on a compact disc or computer disc for viewing on a computer screen. Unlike video, multimedia allows viewers to interact with programs by moving through segments in sequence or at random. Such programs may also include quizzes to test viewers' understanding of the information conveyed. Most recently, the Publications & Media and Planning & Technology Divisions collaborated to produce a multimedia version of the introduction to the federal courts orientation video for clerk's office staff and other support personnel. In coming years, both traditional video presentations and multimedia programs enhanced with video will play important roles in meeting the federal courts' varied needs for education and training.

Selected Center Video Productions

Federal Judicial Center video programs are available to all personnel in the federal judiciary. To request a program, court personnel should photocopy and fill out the loan request form on page 18. Catalog numbers follow the date of each entry.

Many Center video programs are available to the public for a small fee through the National AudioVisual Center. For more information and catalogs, contact the AudioVisual Center at 8700 Edgeworth Drive, Capitol Heights, MD 20743-3701, tel. 301-763-1891.

Programs for Judges

VIDEO ORIENTATION SERIES FOR U.S. DISTRICT JUDGES

- A Word of Welcome to the Federal Judicial System, William W Schwarzer (1991) (1716-v/91)
- Court Officers and Support Personnel: Resources for the District Judges, Barbara B. Crabb (1993) (1723-v/93)
- Judicial Ethics
 - Part I: An Overview of Ethical Rules in the Federal Judicial System and the Role of the Codes of Conduct Committee, Walter K. Stapleton (1991) (1602-v/91)
 - Part II: A Panel Discussion, Walter K. Stapleton, Patricia M. Wald, James B. Zagel (1991) (1603-v/91)
- Administration of the Jury System and Conduct of the Jury Trial, Roger G. Strand (1991) (1719-v/91)
- Case Management and Civil Pretrial Procedure, William W Schwarzer (1991) (1717-v/91)
- The Final Pretrial Conference and the Civil Trial, Marvin E. Aspen, Kimba M. Wood (1991) (1718-v/91)
- Criminal Pre-Trial Proceedings, Terry J. Hatter, Jr., Michael M. Mihm (1992) (1720-v/92)
- Criminal Trial Procedure, Maryanne Trump Barry (1992) (1721-v/92)
- An Overview of the Federal Rules of Evidence, James Hughes Hancock (1993) (1722-v/93)
- Sentencing and Other Criminal Post-Trial Matters, William W. Wilkins, Jr., Frank J. Polozola (1993) (1724-v/93)
- Role of the Magistrate Judge, Philip M. Pro, Carol E. Jackson, D. Brock Hornby, Claudia Wilken (1993) (2461-v/93)

VIDEO ORIENTATION SERIES FOR U.S. BANKRUPTCY JUDGES

- A Word of Welcome to the Federal Judicial System, William W Schwarzer (1991) (1787-v/91)
- Judicial Ethics
 - Part I: An Overview of Ethical Rules in the Federal Judicial System and the Role of the Codes of Conduct Committee, Walter K. Stapleton (1991) (1602-v/91)
 - Part II: A Panel Discussion, Walter K. Stapleton, Patricia M. Wald, James B. Zagel (1991) (1603-v/91)
- Basics of the Art of Judging, Martin V.B. Bostetter, Jr. (1989) (972-v)

- Handling Motions, Lloyd King, Robert F. Hershner, Jr. (1989) (968-v)
- Settlement Techniques, Randall J. Newsome (1990) (1530-v/90)
- Pretrial Procedures in the Bankruptcy Court, Robert D. Martin, Martin V.B. Bostetter, Jr. (1989) (973-v)
- Handling Trials, Barry Russell (1989) (969-v)
- Retention and Payment of Attorneys and Other Professionals, Randall J. Newsome (1990) (1529-v/90)
- The U.S. Trustee System, Robert J. Kressel, Susan Pierson DeWitt (1989) (974-v)
- The Organization and Jurisdiction of the U.S. Bankruptcy Courts, Thomas E. Carlson (1989) (971-v)
- An Overview of the Bankruptcy Code, Margaret A. Mahoney (1989) (975-v)
- An Overview of Chapter 11, Robert E. Ginsberg, George M. Treister (1989) (976-v)
- An Overview of Chapter 13, David S. Kennedy, Grady L. Pettigrew, Jr. (1989) (977-v)
- An Overview of Chapter 12: The Family Farmer Provisions, A. Thomas Small (1989) (980-v)
- Avoiding Powers, Burton R. Lifland (1989) (978-v)
- Discharge and Dischargeability, A. Thomas Small (1989) (979-v)

VIDEO ORIENTATION SERIES FOR U.S. MAGISTRATE JUDGES

- A Word of Welcome to the Federal Judicial System, William W Schwarzer (1991) (1785-v/91)
- Criminal Litigation Before Magistrate Judges
 - Part I: Complaints, Warrants for Arrest, and Search Warrants, Aaron E. Goodstein (1993) (2107-v/93)
 - Part II: Pretrial Services, Pretrial Services, Appointment of Counsel, Initial Appearance, Preliminary Examination, Pretrial Release, and Detention and Removal Hearings, Tommy E. Miller, Virginia M. Morgan, James G. Carr (1993) (2108-v/93)
 - Part IV: Misdemeanors, Guilty Pleas, Sentencing, Revocation of Probation and Supervised Release, Tommy E. Miller (1993) (2110-v/93)
- Administrative Matters Pertaining to Magistrate Judges and Their Staffs, Aaron E. Goodstein, Nancy Stein Nowak, Thomas C. Hnatowski, Charles F. Hicks (1993) (2111-v/93)

OTHER PROGRAMS

- The 1993 Amendments to the Federal Rules of Civil Procedure: New Challenges in Court Administration, Patrick E. Higginbotham, Sam C. Pointer, Jr., William W Schwarzer (1993) (2491-v/93)
- Federal Jurisdiction, James M. Wagstaffe (1993) (2301-v/93)
- The Civil Justice Reform Act of 1990 – Starting the Implementation Process, William W Schwarzer, Charles Clark, H. Lee Sarokin, Peter G. McCabe (1991) (1601-v/91)

Programs for Court Staff

- Introducing the Federal Courts: A Federal Judicial Center Orientation Series for Court Employees
 - Program 1: An Introduction to the Federal Courts (1991), multimedia version (1993) (1832-v/91)
 - Program 2: How Criminal Cases Move Through the District Courts (1991) (1991) (1618-v/91)
 - Program 3: How Civil Cases Move Through the District Courts (in production)
 - Program 4: How Cases Move Through the Bankruptcy Courts (1993) (2475-v/93)
 - Program 5: The Appellate Process (1994) (2505-v/94)
- Procurement in the Federal Courts
 - An Introduction (1990) (1488-v/90)
 - Delegations of Authority and the Seven Basic Steps (1990) (1489-v/90)
 - Government Sources of Supply (1990) (1490-v/90)
 - Commercial Sources of Supply (1994) (in production)
 - Furniture and Furnishings (1994) (in production)
 - Property Management and Disposal (1994) (in production)

OTHER PROGRAMS

- Perspectives on the Role of the Courtroom Deputy in the District Courts, Bruce Clarke, William G. Young, Stuart J. O'Hare (1992) (2069-v/92)
- Perspectives on the Role of the Courtroom Deputy in the Bankruptcy Courts, Ralph H. Kelley, Kevin E. O'Brien, Kathleen Guebert (1992) (2070-v/92)
- An Introduction to the Speedy Trial Act (1991) (1828-v/91)
- A Commitment to Excellence: Video Orientation Program for New Training Coordinators (1989) (1277-v)
- BANCAP Pretraining
 - Part I: Electronic Mail and Queries (1989) (1230-v)
 - Part II: Creditor Processing (1989) (1231-v)

Programs for Probation and Pretrial Services Officers

- Probation/Pretrial Services Leadership Development Program: Getting Started (1992) (1864-v/91)
- Enhanced Supervision Case Study: The Jack Kaiser Story (1991) (1662-v/91)
- Testifying in the Federal Courts: A Program for U.S. Probation and Pretrial Services Officers (1989) (1185-v)
- The Presentence Process (Probation Officers' Version), Edward R. Becker (1989) (1120-v)

General Information Programs

- Computer Security for the Courts (1989) (1181-v)

Media Library Loan Request Form – Photocopy for Use – Please print or type

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