

Minutes
Judicial Education Committee Meeting
January 31, 2014

1. Members present: Vicki Carmichael, Steven David, Kimberly Dowling, Thomas Felts, William Hughes, Kathleen Lang (via telephone), Rebecca McClure, Earl Penrod, Margret Robb, Jay Toney, Nancy Vaidik, and Mary Willis. Staff present: Vicki Davis, Barbara Harcourt, Anne Jordan, Julie McDonald.
2. The members approved the minutes from the October meeting.
3. The members discussed the Bench/Bar Conference from December 2013. The reviews from those who attended were good, but the attendance was very low – 164 judicial officers and 30 members of the Indiana State Bar Association. Staff stated that the ISBA did not push the conference until after their annual meeting in October. The last Bench/Bar Conference was in 1999 and was a crossover of annual meetings of both judicial officers and bar members, and it was much better attended. Gary Marchant (emerging technologies and the law) and Kathleen Nulty (unconscious bias) would be good faculty for future judicial education programs. Members suggested a different division of labor for any future Bench/Bar Conferences, for example, ISBA could focus on logistics, facilities, and meals, while IJC could focus on educational sessions. Judge Felts, Judge Dowling, and Judge Robb will approach ISBA leadership about their “after action” concerns with the December 2013 event. Tom Pyrz, Susan Jacobs, Jeff Lind, and John Maley could be included in the discussions.
4. Staff reported that materials at the Bench/Bar were provided electronically (instead of in paper form). Staff received only two critiques about this method: that all documents for one session should be included in a single document, and that it shifts the cost of printing to the learners. Staff reported that JTAC’s developers have designed an INcite application for electronic material distribution, but that the project has stalled in the queue for more than a year. There are more than 100 projects in the JTAC queue, and there are not enough developers to do them all. Staff has followed up with State Court Administration and JTAC on the project, and it is hoped that the project will be revived in the near future. As a stop-gap measure, IJC can post materials on the IJC website in a location that is easily accessible by judges, but not easily found by search engines. Staff will also approach DTCL, ITLA, and NJC about how they post materials on their websites. Members debated the detriments of having materials available on a public webpage, including concern about different audiences for the materials (judges v. lawyers) and whether materials may be stolen by other presenters. The Committee also discussed whether attendees want the ability to download the materials in the session, the high cost of in-room internet access for the meeting rooms, and whether the Committee wants attendees to be able to use that internet access for non-session-related purposes. The Committee will continue to revisit this issue. For the spring sessions, materials will be posted online in advance on a semi-private webpage.
5. Staff provided a status report on the spring workshops. Registration materials will be sent out in the next few weeks. Each session will be limited to 50 attendees, except for the HB 1006, which will be limited to 100 attendees. Members reported that many judges have complained to them that they do not like the new spring regional format. The Committee will

reevaluate this new approach this fall. Perhaps the 2.5-day Spring Judicial College format could be every other year, in years in which there is not a New Judge Orientation program.

6. The Committee discussed the September Conference. Staff reported that Chief Justice Roberts declined the invitation to serve as the keynote speaker. Members suggested considering former attorneys who have gone on to other activities, such as writing. Scott Turow, John Grisham, Bill Henderson, Brian Stevenson, and Michelle Alexander were suggested. Members suggested that we could invite others, such as members of the bar, to help fund high honoraria for sought-after speakers. Justice David is willing to discuss the opening session with Chief Justice Dickson. For the closing session, the Committee suggested reflections from retiring judges. Possible moderators include Jane Pauley, Anne Ryder, and Debbie Knox.
7. The Committee discussed having a picnic or barbecue dinner on Thursday evening, with outdoor activities and assessing a fee for those who want to attend if IJC funding is an issue. The Members discussed the following topic areas for educational sessions for the September Conference:
 - Criminal Law Update – Search & Seizure Cases
 - Family Law Update
 - Civil Law Update
 - New Rules & Rule Amendments, especially eFiling and eRJO
 - Sentencing Issues Roundtable Discussion
 - Fourth Amendment Probation Issues
 - Best Practices for Managing Difficult Civil Trial w/focus on discovery disputes, discovery issues
 - Ethics session w/Adrienne Meiring (and add Witte about reporting attorney misconduct)?
 - Ethics in Practice – Judicial Ethics & Professionalism Committee
 - Effective Application of Probation Incentives & Sanctions (Doug Marlowe, Ph.D., JD, National Association of Drug Court Prof.)
 - Racial Bias in the Criminal Justice System (Michelle Alexander, Ohio State University Mortiz College of Law; Book – The New Jim Crow)
 - Judicial communication/emotional intelligence
 - Emerging Technologies & the Law (Gary Marchant, SDO College of Law, AZ)
 - Human Trafficking in our Backyard (*add a concrete takeaway message for judges – what they can do, what POs can do)
 - Judicial Officer Liabilities & Scope of judicial immunity (i.e., cover judge who licensed to carry discharging weapon in court?)
 - Reproductive rights (Prof. Kathryn Venturatos Lorio, Loyola College of Law) (possible local faculty: Jennifer Drobac, David Orentlicher)
 - Findings of Fact/Conclusions of Law (Chris Lee suggestion- Judge Sanford L. Steelman, Jr. with the North Carolina Court of Appeals) (possible local faculty: Najam, Mathias, Kirsch)
 - BMV & Trial Courts
 - Veteran's courts
 - Cleanup expungement bill
 - Community corrections and the impact of 1006
 - Drug and alcohol cases – options for judges
 - High profile cases

- Courthouse security, focusing on inexpensive procedural changes to improve safety
8. The Committee also discussed an additional topic, which could be the basis for the December Winter Program: Public access and information. This would include high profile cases, public information officers and what they can do for judges, and the role of the public access counselor.
 9. Dates have been set for seven distance learning webinars in the last quarter of 2014. Topics include contempt, bias, Title IV-D, UCCJEA, change management, media relations, and writing skills.
 10. The Core Curriculum Subcommittee drafted a plan for the review of course plans submitted by judicial branch leaders. Staff has received approximately one-third of the course plans for the topic areas identified by the needs assessment, and has been actively recruiting plan drafters for the remaining two-thirds of the plans. The Committee recommended collecting course plans from faculty after they have taught highly-rated courses. The Committee also suggested actively focusing on developing new faculty, including a stand-alone, by-invitation faculty development course and pairing new faculty with experienced teachers.
 11. The City and Town Courts Subcommittee reported that judges want to continue the two-day conference to get their hours, but with more “meaty” courses. Staff will review the Subcommittee’s report.
 12. A Masters in Judicial Leadership Program was proposed by Judge Willis, Judge Vaidik, and Judge Penrod that is similar to the current Masters program, but it requires a position of leadership in a judicial organization (such as the Board of Directors, Board of Managers, Council of Juvenile Judges, judicial commission appointment, or service as Chair of a Judicial Conference Committee) and a special project (but not necessarily a written project). The 120 hours for this Masters would be separate from the 120 hours for the existing Master program. Judge Willis will present a formal proposal at the next Committee Meeting.
 13. The Committee changed the start time of the meeting to noon.
 14. Staff reported that, while senior judge workshops may not be on the agenda for 2014, IJC may offer them in 2015.
 15. Future meeting dates: March 21, May 16, July 25, October 31

Minutes
Judicial Education Committee Meeting
Friday, March 21, 2014

1. Members Present: David Ault (by telephone); Vicki Carmichael, Steve David, Tom Felts, Terry Harper (via telephone), Bill Hughes (chair), Kathleen Lang, Becky McClure, Earl Penrod, Margret Robb, Jay Toney (by telephone); Mary Willis. Staff Present: Vicki Davis, Barbara Harcourt, Anne Jordan, Julie McDonald.
2. The members approved the minutes from the January meeting.
3. Staff provided an update on the Spring Regional Workshops and Summer Workshops. The total number of registrants for all of the workshops (432) is similar to the attendance at past Spring Judicial Colleges (382), but the number for some of the courses at some locations looks low. The family violence faculty is pleased with the small numbers, but the law and literature faculty report that they need at least 20 participants at each location for a successful course. If the humanities courses are cancelled, it may improve attendance at the family violence sessions. Staff will cancel the law and literature program if attendance does not reach 20 people by April 1.
4. The members discussed the format for Spring 2015. Members reported that they had heard a number of complaints about the regional format for this year. Judge Hughes suggested that judges will have to participate significantly more in conference planning and administration if we do return to a 2.5-day workshop. Judge Lang proposed increased involvement of retiring judges who have served as judicial educators in the past. Staff also suggested that a 2-day workshop might help reduce the administrative workload. Judge Hughes requested an evaluation of the regional format in the conference materials. Judge Penrod said that the 1006 sessions may have skewed the total attendance numbers upward. Judge Hughes also said that the name of the workshops may have been confused with the Supreme Court regional meetings, which may also have impacted attendance. The Committee decided to postpone discussion until the May meeting, when the regional workshops will be completed.
5. Judge Felts reported on his attempts to set up a follow-up meeting with the Indiana State Bar Association to discuss the 2013 Bench-Bar Conference. The Committee recommended that he stop his attempts. If the ISBA is interested in a Bench-Bar Conference in the future, members and/or staff can discuss their concerns at that time.
6. The members discussed the proposed schedule for September 2014. The Committee did not want to have facilitated educational discussions during the Wednesday lunch. They also expressed concern about Garrett Graff as the keynote speaker. The Committee requested adding a Fourth Amendment and Probation session to the agenda. Judge McClure suggested combining the expungement session with the new rules and rules amendments session. Staff also suggested moving the IJA 24-year

awards to the Friday plenary session. The members remarked on the lack of a planned dinner on Thursday and requested that the materials suggest gatherings of graduate program and new judge classes on Thursday evening. Justice David suggested adding a plan of action to the human trafficking session. He also suggested asking Silouan Green and Garrett Graff to tailor their remarks to judges. Finally, he suggested contacting two ITLA and DTCL civil law attorneys for the civil law update session, such as Bill Winningham, Jeff McDermott, Lee Christie, and John Trimble. Judge Hughes suggested adding a judge moderator to the civil law update session. Staff suggested three concurrent sessions in lieu of a Thursday plenary session, including a court security session. Members said that they did not want a “scare-us-to-death” security session at 8:00 in the morning. They would prefer a variation on practical personal security tips and checklists, court security on a shoestring budget, and that it could be a plenary session itself.

7. The committee discussed the Judicial Leadership Certificate program. Judge Willis suggested the following requirements:
 - a. Completion and receipt of the 120-hour Judicial College certificate;
 - b. Participation in the Indiana Graduate School for Judges;
 - c. Completion of an additional number of hours, whether or not the Master’s certificate is obtained;
 - d. Serving as a chair of a judicial conference committee, spearheading a special supreme court project, or serving on the Judicial Conference Board of Directors, IJA Board of Managers, or the Indiana Council of Juvenile and Family Court Judges Board; and
 - e. A special project approved by the Judicial Education Committee, which may or may not be a written project.

The members discussed whether a new program should be created, or whether the Master’s program should be modified. The Committee will continue this discussion at the May meeting.

8. Staff presented a Draft Faculty Handbook for IJC faculty. Judge Hughes suggested adding a letter of understanding or confirmation of the deadlines for biographies, session descriptions, learning objectives, equipment, Power Point, and materials; an agreement to post information on the internet; etc.
9. Staff suggested a future standalone Faculty Development program. The National Judicial College suggested a four-day program, but the members suggested that four days may be too long for judges to be out of the office. The Committee will discuss this in the future.
10. The Committee discussed the Pre-Bench Orientation, which will take place on December 11, 2014, the day before the Winter Conference. A letter with the orientation date that

contains a memorandum on ethics and employment issues will also go out to all candidates after the primary election. Justice David suggested making this orientation mandatory (or strongly encouraged by the Chief Justice) and adding a Dine Around event. He also proposed making mentoring mandatory instead of optional. The Committee also discussed a candidates' school before the primary election that could be offered online.

11. Staff provided the agenda from the 2013 General Jurisdiction Orientation, and the Committee tabled the discussion until the May meeting.
12. Judge Hughes asked that action items be placed early on the agenda in future meetings.
13. The Chair adjourned the meeting.
14. Next Meeting: Friday, May 16th at IJC at 1pm.

Minutes
Judicial Education Committee
May 16, 2014

1. Members Present: Vicki Carmichael, Kim Dowling, Tom Felts, Terry Harper, Bill Hughes (chair), Kathleen Lang (via telephone), Becky McClure, Earl Penrod, Margret Robb, Jay Toney (via telephone), Mary Willis. Staff present: Jane Seigel, Vicki Davis, Barbara Harcourt, Anne Jordan, Julie McDonald.
2. The members approved the minutes from March 21 education meeting.
3. The members discussed the 2014 Spring Regional Programs. Total attendance at the 2014 workshops was 412. In comparison, 382 judicial officers attended in 2013. The evaluations for the content of the programs were very positive. The members discussed that there was a disconnect between the positive reviews of the format of the regional workshops and the more negative verbal comments that the committee members received on the regional arrangement. Perhaps the positive reviews were influenced in part by the importance of the 1006 topic.
4. The members discussed educational options for Spring 2015. Staff and committee members reported that judicial officers prefer the 2.5-day Spring Judicial College format as an opportunity to gather together to learn. Staff said that the large-group format of the Spring Judicial College requires the Convention Center in Indianapolis for space considerations. Staff also stated that the College format is more feasible if programs repeat or are full-day programs, with a total of eight to ten programs over the entire College period. Jane Seigel stated that judicial officers want both the College and the Regional Workshop formats. IJC may create a proposal for an additional staff member in the IJC Education Department. Fewer programs at the Spring Judicial College may mean very large class sizes. The size of the classes at the Spring Judicial College should depend on the topic and the faculty, but some programs would have to be large lecture-style programs. Committee members voted in favor of two full days of programming that starts at noon on Wednesday and ends at noon on Friday.
5. The committee discussed attendance at education programs by part-time commissioners and referees and senior judges. While judicial officers need training, regardless of whether they are part- or full-time, some judges feel uncomfortable with (or that it is unfair for) part-time judicial officers who also practice law in front of other judicial officers. Some members suggested that they be able to attend courses that are directly related to their dockets on the bench, as certified by their judge-supervisors. Examples of discrete topics include small claims and Title IV-D. Policing attendance at conferences may, however, be administratively very difficult. Staff will determine how many part-time judicial officers who continue to practice law by asking Adrienne Meiring who files statements of economic interest. The members postponed discussion of this issue until the next meeting.

6. Staff reported that the CLE Commission enquired about judicial education programs on civility. IJC will respond to the questions in Judge Sharpnack's letter. The Judicial Education Committee is willing to contribute to the development of civility programming, but is not willing to create civility programming with the ISBA due to planning issues with the Bench-Bar Conference. While civility is extremely important, the teaching of it is fraught with the problem that those who need it may not attend or get anything out of it if they are forced to attend.
7. The members discussed the future of posting conference materials online. Staff was prepared to post Spring materials online, but the volume of materials for some of the sessions and the necessity of having other materials in paper form for other sessions meant that materials were not posted online. Staff is still moving toward posting materials online. Judge Hughes reported that judges need materials in a searchable online format to be able to use them. Judge Harcourt reminded the committee that faculty will have to get materials to staff three weeks before the conference so that State Court Administration Staff can post them online in time for attendees to get the materials (electronically or in paper format) before the programs. This timeline may be shortened when the INcite conference materials application is ready for IJC to use. This is an evolving process.
8. Staff provided an update on upcoming 2014 education programs. About 150 people are registered for the two Recent Legislation sessions on May 30. About 125 people are registered for the Annual Meeting of Juvenile Court Judicial Officers on June 12-13. Staff also reported on the following upcoming workshops: July 11 – HEA 1006, July 18 – HEA 1006, August 15 – Family Violence Programs, and August 22 – Humanities Programs. Judge Harcourt reported that the Personnel Committee voted to include clerks in the Court Personnel program scheduled for July 14. That program will be a full day with options for everyone. There will also be two evidence workshops on November 18 and 21. Pre-Bench Orientation will take place on December 11.
9. The members discussed the Annual Meeting scheduled on September 10-12 in French Lick. Keynote suggestions included John Tinder, Mary McQueen, or representatives of the Indiana Supreme Court and Court of Appeals. Judge Harper suggested moving the closing inspirational speaker to the opening keynote slot, and putting "big" repeat sessions like criminal law, family law, and ethics to the Friday morning spot. Judge Hughes and Judge Willis suggested an opening inspirational plenary on civility. Staff also suggested that the public issues session suggested for the Winter Conference (below) could serve as a plenary session to open the conference. The members also discussed the need for training on Administrative Rule 9 and SEA 19 on the opening of paternity records. State Court Administration has agreed to provide a memo on this topic, but including this in September may be ambitious.
10. The members discussed the Winter Conference, which is scheduled for December 12. Suggested topics include public issues involving the media, public access, and public

information; security issues, including court security, personal security, and active shooter awareness training; and immigration and undocumented residents. The committee suggested having the immigration and undocumented residents session in April. The committee's consensus was to focus on security issues at the Winter Conference.

11. Staff provided a faculty confirmation form for the members to review. Staff also discussed a proposal for using Title IV-D funds for a four-day faculty development retreat for twenty-five judges. Staff would like to target attendees who have not yet been through a faculty development program.
12. The Chair adjourned the meeting. The next meeting will be on July 25, 2014 at 1pm, subject to cancellation.

Minutes
Judicial Education Committee
October 31, 2014

1. Members Present: Amy Barbar, Steve Bowers, Vicki Carmichael, Steve David, Bill Fee, Tom Felts, Bill Hughes (chair), Brad Mohler, Earl Penrod, Margret Robb, Mark Smith, Jay Toney, and Nancy Vaidik. Staff present: Vicki Davis, Anne Jordan, Julie McDonald.
2. The members approved the minutes from May 16, 2014 education meeting.
3. Program evaluations:
 - a. Recent Legislation: Staff reported that a total of 163 judicial officers attended the two recent legislation sessions on May 30, 2014 held on the eight floor of 30 South Meridian Street. IJC is planning to provide recent legislation in 2015, but it may be a single 4.5- or 5-hour class.
 - b. Juvenile Judicial Officers Annual Meeting: Staff reported record attendance of 142 juvenile judicial officers at the meeting held at the Renaissance Hotel in Carmel. The program went very well.
 - c. Annual Court Personnel Conference: Three hundred and sixty trial court employees attended the conference held at the Marriott East Hotel. The conference had three sets of breakout sessions. In the past, judges could send up to two people from each court. This year, we permitted all to attend on a first-come, first-served basis. Elected clerks (or their designees) were also included.
 - d. July and August Workshops (HEA 1006, Family Violence, and Humanities Program): Approximately 100 judicial officers attended the three days of programming. All three programs generated good conversations.
 - e. Annual Meeting of the Judicial Conference of Indiana: Five hundred and fifty attended the conference held in French Lick Springs. Committee members mentioned that they especially enjoyed the session on moving civil cases. They also suggested that some update sessions might warrant 2-hour breakouts. The members also discussed who would tackle the Criminal Law Update sessions in the future. Judge Robb stated that one way to divide the work would be for one presenter to update attendees on pre-1006 cases and another on post-1006. Ideas for future presenters: Fran Gull, Mark Spitzer, Vicki Carmichael, or a law school professor. Another idea would be to combine Judge McClure with a representative of the defense bar, like Jessie Cook. A law school professor or dean could moderate a point/counterpoint session. The 2015 conference will be in Indianapolis. The 2016 conference will be in French Lick again. The conference may go to the north part of the state in either 2017 or 2018. Members suggested that attendees may need more words on the powerpoint or a guided fillable worksheet on which they can take notes during the session. Members also stated that they want to see the online materials easier to use.
 - f. Court Reporters Workshop: Fifty court reporters attended the workshop on October 10, held at the Indiana Judicial Center's offices. Fifty more will attend the same workshop in November.

- g. City & Town Court Judges Annual Meeting: Fifty-seven (out of seventy) city and town court judges attended the two-day meeting, held at the Lilly Conference Center at the Marten House on the north side of Indianapolis.
2. Update on online materials: Staff reported that JTAC developers have created a user interface for the InCite online materials application. The developers expect that testing will begin before Thanksgiving. Staff hopes to use the application for General Jurisdiction Orientation.
3. Distance education webinars: Staff reported that two of the seven online webinars scheduled for 2014 have taken place in October. Evaluations were completed for the second session on Bias and Judicial Decisionmaking, and the program was very well received. A few attendees had challenges with the webex technology involved in the program, but that the challenges did not reflect poorly on the session itself. All of the judicial officers who submitted evaluations reported that they would attend a webinar in the future. Justice David reported that the distance education programs could serve as a force multiplier for judicial branch education programs in the future, and that the CLE Commission is evaluating ways to make better use of these forward-thinking programs.
4. The Committee discussed a request to extend the Master's Certificate program to senior judges. After a discussion of the creation of the Master's Program, members discussed its relationship with the Graduate Program, for which senior judges are not eligible. Judge Penrod reported that another objective of the Master's Program was to use it to create education sessions for more experienced trial judges. The Committee decided that senior judges may apply for a Master's Certificate, as long as they completed the Graduate Program before leaving the bench as an active, sitting judge.
5. Mentor Judge Program: In an effort to get more people to participate, staff reported that the mentor judge program will inform new judges that a mentor will be provided to new judicial officers. The new officers will still have significant input into the identity of who their mentors will be. Members also suggested that magistrates' mentors either be their supervising judges or other magistrates.
6. Pre-bench & General Jurisdiction Orientation Programs: Staff reported that we have approximately 40 new judges for certain, and that nine judges are in election contests next week. Chief Judge Vaidik and Judge Robb offered some assistance with the course development on findings of fact – Chief Judge Vaidik will assist with faculty, and Judge Robb will assist with her research on required findings. Judge Hughes, Judge Felts, and Judge Carmichael volunteered to teach the domestic relations course. The focus of the orientation programs should be on checklists, common pitfalls, and best practices. Staff suggested that we begin to consider an orientation part 1 and orientation part 2 later in the year. Chief Judge Vaidik also suggested a "learning by doing" portion of the program with critiques for the new judges. Judge Bowers suggested a lunch-time presentation from a football official who spoke to a local group in Elkhart on making judgment calls, based on his experience in football. Staff also reported that the lunchtime presentation by the Judicial Family Institute, tentatively scheduled for Friday lunch, will point out resources for judicial families. Staff presented a proposal on the A-Team ("Appointment-Team") for judges appointed between elections. Judge Robb suggested that the orientation program could be videotaped. The members requested the number of judges appointed over the interim to determine the cost-effectiveness of the program. The members also agreed that mentors

and recently-retired senior judges (who could get senior judge service credit) could be good resources for the A-Team program. The senior judge who fills in for the appointed judge could also stay for a few days to provide feedback.

7. Proposed schedule of courses for the 2015 Spring Judicial College, April 29-May 1: Staff reported that they used the results of the core curriculum needs assessment to determine which courses to suggest for the 2015 Spring Judicial College. The Committee suggested adding other criminal topics (such as the mechanics of dealing with crimes charged pre- and post-1006) to Criminal Rule 4 on Friday, May 1, 2015. E-filing and active shooter awareness may not take the full 2.5 hours, either, but other related topics could be added to each time slot. Judge Hughes stressed that court security sessions must include what judges can do. Judge Mohler requested that the immigration session include information about the federal process and immigration consequences of various crimes. Judge Barbar agreed that the session should include the standards for release on immigration holds. Justice David suggested that we may also consider part of a session on the implication of same-sex marriages.
8. The Chair adjourned the meeting.
9. 2015 committee meeting dates
 - a. January 16
 - b. March 20
 - c. May 15
 - d. July 17
 - e. October 23