

Judicial Education Committee Meeting

Friday, March 6, 2020 at 1:00 pm

251 North Illinois Street, Room 16

Indianapolis IN 46204

Committee Members Present:

Hon. Kelly S. Benjamin, Chair; Hon. Marla Clark (via phone); Mag. Brian Cook (via phone); Hon. Mark S. Massa; Hon. Kurt Eisgruber; Hon. William C. Fee (via phone); Mag. Andre Gammage; Hon. Bradley K. Mohler; Hon. Timothy Oakes (via phone); Hon. Mark A. Smith (via phone); and Hon. Charles K. Todd, Jr.

Staff Members Present: Vicki Davis; Kristyn Hill; Paige Newland; Ruth Reichard; and Hon. Earl G. Penrod (via phone)

1. Call to Order & Welcome

- a. Judge Benjamin called the meeting to order.

2. January 2020 Minutes

- a. Judge Mohler moved to accept the January minutes, Justice Massa seconded. The Committee voted unanimously to approve the January minutes.

3. Discussion of Past Programs

- a. **City and Town Court Orientation.** Kristyn Hill reviewed the evaluations for the City and Town Court Judge Orientation. The highest-rated session was Misdemeanor Procedures. Registration for this event was opened to current City and Town Court Judges who were interested in a refresher of any of the topics. There were sixteen registrants, five of whom were new judges. One attendee appeared via Skype. Though there were a few technical difficulties initially, they were resolved quickly and the attendee was able to engage with the presentations and ask questions when needed. This was a good experiment for testing capabilities of synchronous distance education.
- b. **Marion County Small Claims Court Training.** Kristyn Hill reported that all nine Marion County Small Claims courts had representation at the training on February 28 for a total of 59 attendees. Evaluations are still being collected for this event and will be reported at the next Committee meeting. Staff and faculty involved in the training who were present at the Committee meeting reported that they felt the training went well and that there was good attendee engagement and opportunities to problem-solve.

4. 2020 Spring Judicial College (March 31-April 2)

- a. Vicki Davis reported that 288 judicial officers and OJA are currently registered. Attendance numbers are slightly low this year, likely due to the timing with several spring breaks. Staff hopes to reach at least 300.
- b. Ms. Davis reviewed attendance numbers for each session. The sessions with the most registrants are Advanced Criminal Law and When the Unexpected Happens.
- c. Ms. Davis noted that Dr. Kristina Box, Indiana State Health Commissioner, had been added as a speaker to the closing plenary to address the current coronavirus concern in the context of public health preparedness.
- d. The Committee discussed opening the plenary on court preparedness and continuity of operations to City and Town Court judges. There would be sufficient space at the venue. Mag. Gammage moved to open this session to City and Town Court judges. Judge Mohler seconded. The motion passed unanimously.

5. 2020 Graduate Program for Indiana Judges (May 31-June 6)

- a. Vicki Davis reported that there were 50 applicants. The applications have been reviewed by the Planning Committee. Staff plan to send notifications of acceptance in the next week or two along with the registration link. All curriculum is finalized.

6. 2020 Annual Meeting (September 15-17)

- a. Vicki Davis reviewed the proposed agenda layouts and presented different plenary options. The Committee would like two plenaries, ideally on Day 1 and Day 2.
- b. Justice Massa noted that some more judges from the Indiana Court of Appeals will be retiring in the next year or so. The Committee discussed spotlighting more judicial officers, either doing one per year or having multiple judicial officers offer brief remarks on "lessons learned from the bench" in a single year. Justice Massa will follow up with the Court of Appeals to determine retirement plans.
- c. On Tuesday, the Committee would like a segment on OJA/IOCS Resources and Staff incorporated into Chief Justice Rush's opening remarks. This could be live delivery from the Legal Support and Statistics Division Director Jeff Wiese or a short skit-

style video of staff taking calls from judges. For the video option, staff would likely request help from the Office of Communication and Education Outreach.

- d. The Committee would like to pursue a plenary from Judge Jeff Sutton of the United States Court of Appeals, Sixth Circuit. Judge Sutton wrote a book called *51 Imperfect Solutions* and focuses on state constitutional law. It could be valuable not only for attorneys but also for judicial officers to explore this alternate source of law and the trend that is slowly taking hold in the name of federalism in the country. Justice Massa and Chief Justice Rush are familiar with Judge Sutton and his work.
- e. The Committee would also like to pursue a plenary focusing on technology and internet usage, especially social media. It is important for judicial officers to be aware of the tracking capabilities of the internet, potential risks and abuses, and what good internet practices look like for a judicial officer. Last year, Judge Paul Mathias and Katie Wilson of the Office of Court Technology presented on this topic and received positive reviews.
- f. Breakout Sessions:
 - i. Vicki Davis reviewed the list of potential breakout sessions and asked for Committee to submit other ideas they might have. Ms. Davis noted that Bob Rath, formerly of Appellate Court Technology and now the Court's Chief Innovation Officer, recommended a speaker for sessions on information technology, artificial intelligence, and/or cybersecurity.
 - ii. The Committee would like a panel of appellate judges to address what types of appeals they normally receive and general trends from trial courts. A session on sentencing was also discussed. This could serve as an additional way to highlight the Indiana Court of Appeals. We need to reach out to Judge Bradford concerning how comfortable the Court of Appeals would be in terms of providing this type of input (and how much input).
 - iii. The Committee particularly liked sessions pertaining to findings of fact/conclusions of law, which could be added to family law or the Court of Appeals session.
 - iv. The Committee would also like to revisit bail practices and CR-26. By September, there should be more data to explore. Ideally, there should be more consistency in bail practices. This session could be led by a pilot county judicial officer and a non-pilot county judicial officer for different perspectives. There was support for this being a regular breakout session, as opposed to an add-on at breakfast. They want data on reoffense and rearrest rates so far.
 - v. The Committee discussed offering a selection of session topics in a Weekly Bulletin and allowing people to indicate their preferences, comment on what they would like the sessions to focus on, or ask questions about certain topics ahead of time.
- g. The Committee would like to explore the possibility of providing hotel overnights for Monday night for judges coming from significant distances. Vicki Davis will look at building that cost into the budget.

7. Changes to New Judge Programs

- a. Vicki Davis reported that space is reserved for a four-day program in December, with the fifth day (Friday) being the Winter Workshop. The Committee decided to make the Winter Workshop mandatory for new judges.
- b. Additional orientation programming would occur in January. Tentatively, there would be two days of juvenile jurisdiction programming followed by three days of general jurisdiction programming. The general jurisdiction programming would include breakout topics pertinent to varying jurisdictions with some strategically placed repeat sessions.
- c. The Committee discussed making the orientation program mandatory for new magistrates, commissioners, and referees. This could be an issue to revisit with the Judicial Conference Board of Directors. There was also a consensus on paying for commissioners' and referees' hotel overnights, if we mandate their attendance.

8. 2020 Winter Workshop (December 4)

- a. Ruth Reichard prepared two proposals based on previously suggested topics: one on procedural fairness and another on cultural competence.
 - i. Procedural Fairness would involve coordination with the National Center for State Courts (NCSC) and the American Judges Association (AJA). Exact program and faculty costs are to be determined. The morning session would explore what procedural fairness truly is – when individuals in court feel they've been fairly treated, regardless of the outcome. The afternoon would consist of video scenarios prepared by NCSC/AJA and discussion groups with facilitators (Indiana judicial officers).
 - ii. For the option of Cultural Competence, staff propose that outside faculty who specialize in this area and who might even be national speakers be selected to deliver this content. One suggestion is a psychology professor at Harvard University; another suggestion is someone from the Perception Institute.
- b. The Committee will review these options and revisit this at the next Committee meeting. In the interim, Ruth Reichard will send links to the possible speakers to the Committee members.

9. Update on Institute for Court Management Training for Court Administrators

- a. Ruth Reichard reported that since the application for the ICM program was released a couple of weeks ago, there have been three applicants: a judge, a court administrator, and a chief probation officer. Approximately five additional individuals have

expressed interest, although travel expenses are prohibitive. The goal is to have at least 30 participants. There is a cap of 40, although ICM is willing to push that to 50 if need be to accommodate some IOCS staff. Ideally, if IOCS staff were certified via train-the-trainer, IOCS could offer this programming in the future with fewer funding and/or class size limitations.

- b. The initial application deadline is May 15, although this can be extended if necessary.
- c. Staff will send the Committee a follow up email with program details so the Committee members can assist in spreading the word.
- d. Another idea is to send targeted communication to judicial officers in counties with court administrators.

10. Master's Projects

- a. Mag. Gaither has submitted another draft of his project. The subcommittee assigned to assist Mag. Gaither will review it and report at the May Committee meeting.

11. 2020 Education Committee Dates

- a. May 15, 2020
- b. July 17, 2020
- c. October 16, 2020
- d. The Committee members asked that future agendas include "Action Items" identifying which agenda items require guidance/direction from the Committee members.

12. Meeting adjourned (2:55 p.m.)

Respectfully submitted,

Paige Newland

Judicial Education Committee Meeting

Friday, May 15, 2020 at 1:00 pm

Virtual Meeting (Zoom)

Indianapolis IN 46204

Committee Members Present:

Hon. Kelly S. Benjamin, Chair; Hon. Stephen R. Bowers; Mag. Brian D. Cook; Hon. William C. Fee; Mag. Julie F. Flanigan; Mag. Andre Gammage; Hon. Mark S. Massa; Hon. Charles K. Todd, Jr.

Staff Members Present: Vicki Davis; Ashley Moise; Kristyn Hill; Paige Newland; Ruth Reichard; Kathy Wasson; and Hon. Earl G. Penrod

1. Call to Order & Welcome

- a. Judge Benjamin called the meeting to order. Judge Benjamin remarked that rather than focusing on technological issues during this time, we can view this as an opportunity to expand our educational capabilities.

2. March 2020 Minutes

- a. The Committee unanimously approved the March minutes.

3. Recent Distance Learning Webinars & Modules

a. Update/Overview of IOCS distance education

- i. Ashley Moise explained that for the foreseeable future, the default for educational programming will be remote delivery. The need for live delivery for certain programs will be determined on a case-by-case basis.
- ii. Ashley Moise and Kathy Wasson provided an overview of distance education, what it means for IOCS, and considerations moving forward:
 1. Distance education could mean live webinars with audience interaction or prerecorded content made available on-demand in the Learning Management System (LMS). Live webinars would also be recorded and made available on the LMS later.
 2. Previously, IOCS worked with the National Center for State Courts (NCSC) to produce annual webinars for recent legislation. Now, IOCS has the capability to produce webinars internally.
 3. Results have been promising so far. Though live delivery is more familiar, the increase in distance education is allowing us to build up a library of on-demand content that will be helpful to those unable to attend live events or who need end-of-year CLE/CJE.
 4. There are a few tradeoffs with distance education that the Committee should be aware of:
 - a. Not all content is translatable to distance delivery (i.e., skills-based training).
 - b. Timing is important: it's difficult to sit through lengthy webinars, and consecutive webinars can be taxing on staff. Proper spacing is necessary.
 - c. Technology issues can take longer to resolve for distance than live presentations.
 - d. Distance education is more labor-intensive for staff from a production standpoint. Though IOCS will become more efficient in producing distance education, there will always be extra work involved. This can include more in-depth session planning to incorporate presenter transitions; multiple recording sessions; technology training for faculty; video editing; etc. In some instances, translating one hour of face-to-face content to one hour of distance content can take 40-200 hours.

b. Live webinars converted from Spring Judicial College

1. Ashley Moise explained that some sessions from Spring Judicial College are being converted into webinars. Programs were selected based on immediate usefulness. So far, three webinars have been produced—Court Preparedness Pt. 1 (118 evaluations), Court Preparedness Pt. 2 (120 evaluations); and Judicial Well-Being (155 evaluations). Overall, feedback has been positive and has helped inform future distance education development.
2. Additional webinars from Spring include:
 - a. Small Claims, but BIG Problems: Landlord-Tenant Cases (and More) on May 18
 - b. Catching up with Science, What You Don't Know about Substance Use Disorders...and Should! on May 29
 - c. Advanced Criminal Law on June 24
 - d. Impaired Driving, TBD
 - e. Traumatic Brain Injury, TBD

c. Webinars/Modules Converted from Juvenile Annual Meeting

1. Kristyn Hill explained that the Juvenile Annual Meeting content will be provided via a combination of live and prerecorded sessions.

2. The first live webinar, Family Preservation Services, will occur on June 18. The second, Achieving Permanency Through Adoption and Guardianship, will occur on June 19.
3. The goal is to make prerecorded sessions available by the end of June. These will include Recent Juvenile Legislation; Recent CHINS, TPR, Adoption, and Paternity Cases; Recent Juvenile Delinquency, Criminal, and Waiver Cases; Sex and Labor Trafficking; and What Works: Improving Outcomes for Children

d. Other Webinars

- i. Recent Legislation Webinars (June 25-26)
 1. Ruth Reichard reported that as usual, the Recent Legislation webinars will occur live over the lunch hour and be available in the Indiana Courts Education Network afterwards. The topical breakdown with faculty is as follows:

<ol style="list-style-type: none"> a. Judge Tom Felts: Judicial Administration and Probate Law b. Judge Marianne Vorhees: Civil Law c. Judge Tim Spahr: Juvenile and Family Law 	<ol style="list-style-type: none"> d. Judge Stephen Bowers and Judge Bradley Mohler: Criminal Law e. Judge Marla Clark: Traffic Law
--	---
- ii. Firearms & Domestic Violence (date TBD)
 1. Ruth Reichard reported that IOCS recently received a federal grant to support a more robust system for ordering firearm surrenders related to misdemeanors and protection orders. Pilot counties for this new system are Tippecanoe and Hendricks. The grant requires education on Indiana firearms law, forms, and best practices, for which Indiana is receiving technical assistance. A webinar will be developed in partnership with the National Resource Center on Domestic Violence and Firearms .

4. Upcoming Conferences

a. 2020 Annual Meeting (September 15-17)

- i. Vicki Davis reported that the 2020 Annual Meeting will be a virtual event. IOCS proposes that there be six live webinars, two per day on September 15, 16, and 17, with additional education available on-demand on the Network.
- ii. The Committee preferred only morning or only afternoon timeslots for live webinars. The Committee also discussed having a consistent theme across all webinars: e.g. jurisprudence in the time of COVID-19/lessons learned.
- iii. The Committee also preferred that the opening session on September 15 be mandatory. The opening session would include a welcome, introduction of first-time attendees, acknowledgement of retirees, judicial officer spotlight, a guest speaker, and closing remarks. The Committee also suggests prerecording as much of the opening session as possible.
- iv. For on-demand sessions, the Committee’s top choices include:

<ol style="list-style-type: none"> 1. Remote hearings best practices and ethical considerations 2. Technology, internet, social media 3. Pretrial release best practices including lessons learned from the pandemic 	<ol style="list-style-type: none"> 4. Pro se litigants: notice, appearing, etc. 5. Jury selection/trials 6. Small claims
---	---

b. General Jurisdiction Orientation Program for New Judicial Officers (Nov. 30 - Dec. 4 & Jan. 25-29)

- i. Vicki Davis explained that instead of a two-week live program, most content will likely need to be provided remotely. Ms. Davis asked the Committee to consider which topics would be best as live events versus distance education. The Committee discussed keeping Bench Skills as live programming and making it mandatory for trial judges who have never previously served on the bench.
- ii. An alternative idea is to spread the program out: judicial officers could meet 2-3 times a week for 60-90 minutes at a time for 6-8 weeks to discuss orientation topics.
- iii. The Committee agreed that at least some type of live interaction, whether it was in conjunction with the orientation program or another time (perhaps next summer), would be beneficial for new judges to network.

5. Master’s Projects—No updates

6. 2020 Education Committee Dates—July 17, 2020 & October 16, 2020

7. The meeting adjourned at 2:25pm.

Respectfully Submitted,

Paige Newland