

Enhancing Judicial Skills in Domestic Violence Cases

A Process and Outcome Evaluation of a National Judicial
Education Program

Peter Jaffe, Ph.D., C. Psych.

Centre for Research and Education on Violence Against Women and Children

Faculty of Education

University of Western Ontario

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Peter Jaffe

ENHANCING JUDICIAL SKILLS IN DOMESTIC VIOLENCE CASES: A PROCESS AND OUTCOME EVALUATION OF A NATIONAL JUDICIAL EDUCATION PROGRAM

EXECUTIVE SUMMARY

This report provides an evaluation of a national judicial education program entitled “Enhancing Judicial Skills in Domestic Violence Cases” (EJS) that was funded by the US Department of Justice, Office on Violence Against Women and developed by the National Council of Juvenile and Family Court Judges together with the Family Violence Prevention Fund. EJS has provided national educational opportunities for judges from across the US since 1999. This report focuses on the program provided on 12 different occasions to approximately 480 judges between 2006 and 2010. Prior evaluations demonstrated consistently positive ratings of the faculty and program, but there was little information about the judges who attended the program, their response to the various program segments or follow-up information about how judges utilized the educational opportunity upon their return to their work.

Overall, 341 judges completed the pre-workshop questionnaire comprised of 199 male and 142 female judges. Of the participants, 80% were Caucasian, and 9.5% were African American. The remaining judges identified themselves as Asian Americans (6 judges), Native Americans (8 judges) and Hispanics (8 judges). Half of the Judges worked in an urban center, one-third presided in a rural community and 12% indicated that their jurisdiction included both urban and rural communities. The judges came from all over the US with 43 different states presented. Wisconsin, Michigan, North Carolina, New Hampshire, New York, Washington and Texas had amongst the highest number of judges who attended.

The judges who attended were motivated to learn new skills in dealing with domestic violence cases. They reported different levels of experience from being recently appointed up to presiding for many years and being more specialized in domestic violence cases. One in five participants saw themselves at an advanced stage of a career in trying to master skills for domestic violence cases. They had a range of visions for their future role that centered on access to justice, fairness and helping the families who appear before them getting access to community resources to end the violence. Most of the judges depended on local networks of judges and lawyers for networking and seemed to appreciate the opportunity to come to a national conference and learn from other jurisdictions. The judges identified a range of views about domestic violence at the outset which leaned towards needing more resources in their community, better coordination, a better understanding of diverse cultures and more effective interventions for perpetrators of domestic violence. Judges had considerable variability about their views of their role in the field. They agreed that judges need to ensure that an effective justice system is in place with appropriate resources in the community but differed on the need for judges to play a leadership role due to ethical considerations.

Overall, the findings show that EJS is engaging and effective with its participants. Judges learn the information and skills being taught and can apply them to their work post-training. The major highlights of the evaluation include the following:

- Judge participants represent a diverse group in terms of tenure, demographics, and court assignments.
- Pre-test surveys indicate a wide range of attitudes and learning needs among judges.
- Before EJS training, most judges considered themselves at a middle stage of career development with respect to handling domestic violence cases.
- Judges' reflections on learnings for all segments during EJS match the stated program objectives very closely.
- Across segments, most judges indicated that no changes were needed to improve the sessions.
- In all segments, the opportunity to hear from other judges was an important part of the learning experience.
- Judges appreciated the forum for discussing challenging ethical issues.
- EJS helped judges develop a stronger role in coordinating / providing access to resources for diverse populations.
- The number of judges who rated themselves as leaders in the field of DV cases (i.e., Stage 3) quadrupled as a result of EJS training.
- Judges overestimated their skills and competence with DV cases prior to EJS training. After EJS, they rated their starting level lower than they originally thought pre-training.
- At 6 month follow-up the vast majority of judges identified specific benefits and behavior changes in the areas of access to justice, judicial leadership, victim safety, and batterer accountability as a result of participating in EJS.

Limitations of the evaluation are outlined in terms of the smaller number of judges who responded to requests for an on-line follow-up survey after the completion of the program. Suggestions to enhance future evaluations efforts are offered.

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ENHANCING JUDICIAL SKILLS IN DOMESTIC VIOLENCE CASES: A PROCESS AND OUTCOME EVALUATION OF A NATIONAL JUDICIAL EDUCATION PROGRAM

The purpose of this report is to provide an evaluation of a national judicial education program entitled “Enhancing Judicial Skills in Domestic Violence Cases” (EJS) that was funded by the US Department of Justice, Office on Violence Against Women and developed by the National Council of Juvenile and Family Court Judges together with the Family Violence Prevention Fund. This program has provided national educational opportunities for judges from across the US since 1999. The program has been offered two to four times a year at different venues across the US. The evaluation focuses on the program provided between 2006 and 2010. The report is divided into five sections that outline the context of the work, the nature of the program itself, the method of the evaluation, the results of the evaluation, and finally, conclusions and recommendations.

SECTION 1: THE IMPORTANCE OF JUDICIAL EDUCATION ON DOMESTIC VIOLENCE

The EJS program is predicated on the increasing demand on judicial officers across the US to deal with domestic violence in both civil and criminal proceedings. This increase has resulted in the development of specialized courts, new community resources, legislative reforms and a demand for increased collaboration to deal with the needs of victims, perpetrators and their children. Keeping judicial officers up to date with emerging legal and social science research in this area is a critical issue in the face of the complex demands of domestic violence cases. Aside from this knowledge, judicial officers also need opportunities to practice skills with their peers in dealing with the many difficult courtroom situations and dilemmas presented by domestic violence cases.

INCREASE OF DOMESTIC VIOLENCE CASES IN COURT DOCKETS

The prevalence of domestic violence and its impact as a serious social and health issue has been well documented. Although over half of all abuse goes unreported, more victims are coming forward due to public awareness campaigns. As an indication of the potential volume of cases that might come before the courts, one in four women in the United States reports experiencing violence by a current or former spouse or boyfriend at some point in her life (CDC, 2008). Since the mid-1980’s and the development of police mandatory charging policies, increasing numbers of cases now come before the criminal court as well as different civil proceedings.

Domestic violence cases now represent a substantial and increasing proportion of all cases processed by criminal and civil state courts. Data from the Court Statistics Project of the National Center for State Courts (NCSC) indicate that from 1989 to 1998 domestic violence filings in State courts increased by 178 percent (Keilitz, 2004). Similar findings were reported by Gover, Brank, & MacDonald, in their 2007

study noting that between 1984 and 1997, domestic relations cases that include domestic violence cases, increased by 177% in the United States (2007). Ostrom and Kauder's 1997 work found that domestic violence is a serious problem in all states, and the vast majority of jurisdictions experienced an increase in the domestic violence caseload between 1993 and 1995, with 18 states reporting a 20% increase during this period. This study also found that domestic violence cases are the fastest growing segment of domestic relations cases, and domestic relations cases are the fastest increasing segment of state civil court caseloads. In addition to constituting a growing segment of judicial work, domestic violence cases are extremely taxing on judicial officers. Symptoms of burn-out and vicarious trauma are common among judges who hear these and other abuse cases (Jaffe, Crooks, Dunford-Jackson & Town, 2003).

A host of factors account for the increased rates of domestic violence cases being processed by the civil and criminal justice system. Some of these factors include the implementation of mandatory arrest policies by law enforcement agencies (Gover et. al, 2007), attention to protection orders (Ostrom & Kauder, 1997), and the availability of civil protection orders in all states in addition to the District of Columbia subsequent to 1994 (Keilitz, 2004). Regardless of the cause for the increase of domestic violence on court dockets today, the need for responsive tools and measures for victims and perpetrators within the justice system has become even more vital.

In facing the challenge of effectively and efficiently addressing the difficult legal and social issues embedded within domestic violence cases, courts have sought and developed innovative measures. One such measure is the specialized domestic violence court. Since the late 1990s, a key development in many jurisdictions has been the institution of specialized structures, processes, and practices to address the increased volume of domestic violence cases in the courts. Beyond just the sheer volume, these cases represent distinct challenges that require more specialized attention and interventions (Fisher, 2004). These challenges include the ongoing nature of these abusive relationships, many of them through parenting, and the reality of many victims reluctant to engage in the demands of the justice system. According to the National Center for State Courts (NCSC), in 1991, 160 courts reported or were identified as having a specialized process designated to handle cases that involved domestic violence. More recently the NCSC reported that there are roughly 300 courts with specialized processes for domestic violence cases. Since the number of courts is continuously growing it is difficult to determine the exact number as of 2010-11. Domestic violence courts are in an opportune position to help people affected by abuse by creating a distinct collaborative and multidisciplinary approach to case management that allows for a unique opportunity to hold perpetrators accountable and provide resources as well as enhanced safety measures for victims.

THE IMPORTANCE OF JUDICIAL EDUCATION

A primary goal for domestic violence courts is to handle these cases effectively and reduce recidivism. Beyond reducing recidivism, domestic violence courts offer insights into potential policies and practices that may be most helpful in these cases as well as themes for judicial education programs. The key issues identified appear to be effective management of domestic violence cases; specialized intake and

court staffing; improved assistance for victims by court staff; court processes to ensure victims' safety; increased court monitoring and enforcement of batterer compliance with court orders; and, increased recognition of the impact of domestic violence on children. Due to the distinctive features of domestic violence cases, enhanced judicial education is essential. Specialized domestic violence courts allow judges to become highly specialized in an area of law that requires precision, a vast knowledge and understanding of the law, and the ability to process challenging cases in a more efficient manner (Helling, 2005). Justice system practitioners, victim advocates and researchers identify one of the major benefits of specialized domestic violence courts as judges' greater understanding of how domestic violence affects victims and their children (Keilitz, 2004).

Cases involving domestic violence require a specialized knowledge of the law. Due to the unique dynamics of domestic violence, it is crucial for judges to understand and develop skills related to wide range of legal and social issues including victim recantation, lethality assessment, admissibility of evidence of past violence, and children exposed to violence. Judges need to gain the experience and have access to appropriate education programs to effectively handle domestic violence cases. Understanding the diverse presentations of domestic violence victims and perpetrators as well as community resources available promote a more informed and thoughtful judicial response to the problem (Helling, 2005).

The importance of specialized domestic violence educational programs for judges is well founded in the literature. Several authors have documented the most appropriate environments and methods to enhance judicial education. Judges as a profession have distinct qualities that influence their learning styles and preferences (Armytage, 1996). These styles and practices as learners which are distinctive to judges have important implications for educators (Armytage, 1996). Some of the distinct characteristics of judges as learners are a result of the following: the nature and criteria of judicial appointment, tenure, the preferred learning styles and practise of judges, doctrinal constraints of judicial independence, the nature of a judge's role, the environment surrounding the judicial office and a judge's reasons or requirements for attending ongoing professional education (Armytage, 1996). As a result of these factors, judges tend to be rigorously autonomous and are extremely motivated to further their competence for its own sake as opposed to being motivated for a material or promotional enhancement. Furthermore, judges experience significant distress related to feeling chronically short of time (Jaffe et al., 2003), and accordingly can be critical of professional development activities that seem to be a waste of their valuable time.

Various continuous learning vehicles have been explored to meet the educational needs and learning style preferences of judges. Frequently used methods of judicial education include conferences and continuing education courses. Formal conferences and courses are regarded very highly by most judicial officers since they offer information, knowledge, skill and collegial contact at a number of levels for people engaged in a fairly solitary career (Goldring, 2000). Beyond the formal presentation at conferences and courses, the informal exchange of ideas between and among judges is seen as a highly valuable experience (Goldring, 2000). Judicial education is described as most effective when it is voluntary, respects the independence of judiciary, creates an opportunity to be critically reflective and allows for individualized learning (Armytage, 1996; Goldring, 2000). Faculty for these educational

programs must be well informed and able to involve the audience through meaningful, inclusive, and appropriate means of presentation. Judges largely require presenters who are interesting, understand the independence of the bench and are acknowledged experts within their fields (Goldring, 2000).

SECTION SUMMARY

The EJS program described in the next section of this report emerged in response to the increasing volume of domestic violence cases before the criminal and civil courts as well as an analysis of the critical skills required by judges to address these complex matters. EJS was developed by many judges on behalf of other judges in a manner that takes into account judges' learning styles and their special role in the community. The host organizations had received significant feedback from judges that specialized education on domestic violence was necessary to enable the court to more effectively and efficiently process the growing number of domestic violence cases on criminal and civil court dockets. This judicial education program was developed in order to have an impact on domestic violence by reducing recidivism, improving access to resources for victims, creating more effective case management, and increasing the monitoring and enforcement of compliance with court orders. EJS was created to provide an opportunity for judges to learn from each other and leading experts in the field about the challenging dynamics in domestic violence cases and how to deal effectively with victims, perpetrators and children in the context of legal proceedings.

SECTION 2: THE “ENHANCING JUDICIAL SKILLS” (EJS) PROGRAM

The “Enhancing Judicial Skills” (EJS) is founded on the principles of adult education and an understanding of the needs and learning styles of judges. The EJS workshop contains six major curriculum segments that are covered over a four day period. The EJS usually begins on a Sunday afternoon at 1pm and ends at noon on Wednesday. The six segments are called Practical Courtroom Exercises, Victim and Perpetrator Behavior, Fact-Finding, Access to Justice, Fairness and Cultural Issues and Decision-Making. Each of the segments is described below in terms of some of the overall learning objectives. The program is complemented by a USB jump drive (formerly a binder of printed materials) that is indexed and continuously updated with the most recent legal and social science research on topics such as domestic violence programs and legislation. More detail about the curriculum is available from the funder and host agencies.

The EJS faculty is led by senior judges who have shown leadership in the area of domestic violence at a national and/or state-wide level. The judges are complemented by other faculty with expertise in legal and social science research and practice as it relates to emerging knowledge in dealing with domestic violence cases. The faculty takes part in its own development sessions to ensure the curriculum design and delivery is grounded in the principles of adult education. The EJS stands in contrast to many other legal continuing professional education programs that are based on traditional methods of instruction that use lecture to focus primarily on the transfer of information to participants. For example, rather than relying on several hours of traditional lecturing, the program intersperses mini-lectures with video examples, case studies, and small group learning opportunities. The EJS program promotes and models alternate, more interactive learning methods that focus on the needs of learners rather than presenters, build on the judges’ existing experiences, and help to engage judges through a multidisciplinary, multicultural faculty.

The EJS program fosters interactive learning through small group discussions that centre on case dilemmas throughout the four days. The cases are presented through video or role play dramatization and through written materials related to pleadings or case summaries. The participants are seated at tables for six to eight together with a seminar leader who has graduated from the program, demonstrated knowledge, and received training in effective facilitation skills. The small group discussions are not geared to solve the many case dilemmas but rather foster an open dialogue in which judges identify critical considerations and engage in diverse analyses. Judges are encouraged not to make decisions during the first three days but rather consider the relevance of different evidence and fact finding related to the dynamics of domestic violence. Each segment has detailed learning objectives that are reviewed with participants. The program segments are outlined below.

SEGMENT 1: PRACTICAL COURTROOM EXERCISES

The Practical Courtroom Exercises segment gives judges an opportunity to discuss complex civil and criminal cases involving domestic violence. There are five case scenarios that are presented through role

plays by faculty and participants acting the parts of litigants and their counsel together with supporting documentation. The cases illustrate difficult dilemmas with no straightforward decisions and were chosen to flag some of the issues that are presented in the subsequent segments of the program. Judges are asked to consider how they might handle the case and their analysis is then discussed in groups of eight to ten judges. The session provides a chance for the participants to practice ruling on realistic, hypothetical domestic violence cases. The cases give rise to discussion about the dynamics of domestic violence and the challenges of handling domestic violence cases. The participants can assess how domestic violence negatively affects the victim, perpetrator, and children as well as identify factual, legal, procedural, and resource issues that arise frequently in domestic violence cases. This first segment sets the stage for EJS in terms of identifying issues, but also by creating the precedent for interactive, learner-driven education.

SEGMENT 2: OBSERVATIONS AND COMMENTARY REGARDING VICTIM AND PERPETRATOR BEHAVIOR

The Victim and Perpetrator Behavior segment gives judges an opportunity to evaluate the impact of domestic violence on adult victims and children who are exposed to violence as well as to identify the protection and restoration requirements of domestic violence victims. This segment addresses the context of violent behavior and patterns of abusive behavior. These patterns are discussed in terms of potentially effective intervention for perpetrators of domestic violence and accountability mechanisms. Consideration is given to the decision-making and courtroom presentation of victims and perpetrators and the complexity of these relationships. A victim's separation from an abuser is seen as a process, and it is emphasized that it is often difficult for the court to know where in the process a particular victim is at any given time. The role of abuse victims and perpetrators as parents is addressed as well as access to appropriate resources and the court's role to make sure they have access to these resources.

SEGMENT 3: FACT-FINDING: HOW TO GET THE RIGHT INFORMATION

The Fact-Finding segment gives judges an opportunity to evaluate the facts of the case before they are asked to make a specific ruling, including the assessment of factors associated with the potential dangerousness of a perpetrator of domestic violence. Judges discuss how to best apply an understanding of domestic violence to judicial fact-finding and identify and resolve evidentiary issues of primary concern to judges. Learning objectives also involve the challenges of determining credibility, the assessment of bias, motive, and perspective of witnesses and parties. The unique circumstances of pro se proceedings are highlighted in the context of managing and facilitating the presentation of evidence as well as determining the need for additional evidence while remaining within the bounds of judicial neutrality. Judges discuss appropriate leadership roles they could take in developing practices and policies that ensure they routinely have the information they need. Participants spend extensive time on case illustrations and the impact of recent higher court decisions such as the Supreme Court judgment on whether a hearsay statement is "testimonial" or "non-testimonial" (*Crawford*).

SEGMENT 4: ACCESS TO JUSTICE: ROLE OF THE JUDGE IN THE COURT AND COMMUNITY

The Access to Justice segment provides a time for judges to reflect on the impact of their role as a judge on court system players by exploring, defining and refining their role as a judge, with the goal of advancing access to justice in their court and community. A central focus in this segment is the application of judicial ethics rules that govern judges' participation in activities such as court and community councils, legislative proposals, and education programs by and for non-judge providers. An important theme discussed is the fact that judges are only as effective as the resources available and the extent to which these resources are coordinated. In addition, there is an emphasis on the critical role for the court in violence prevention through public education and helping to change attitudes about domestic violence. Participant judges have an opportunity to share innovative projects and activities in their jurisdictions that promote access to justice.

SEGMENT 5: FAIRNESS AND CULTURAL ISSUES IN DV CASES

The Fairness and Cultural Issues segment helps judges identify ways in which culture is relevant in the courtroom and recognize cultural biases and assumptions about a person or the facts of a situation based on misinformation. Participants have an opportunity to assess blinding preferences that are brought to the bench that might influence courtroom demeanor or the interpretation of facts and making of decisions in domestic violence cases. Judges have the opportunity to apply knowledge about culture in cases involving domestic violence as well as consider the need for specialized resources such as interpretation services. Sensitivity to immigration status such as advising of immigration implications as part of collateral consequences of a plea is discussed. The theme of this segment is that culture cannot and should not be used as an excuse for domestic violence but cultural awareness may help shape meaningful remedies for victims, perpetrators and their children. Participants are encouraged to reflect on how their own understanding of the cultural context can help shape appropriate access and responses that bring about justice in civil and criminal cases involving domestic violence.

SEGMENT 6: DECISION-MAKING AND ENFORCEMENT

The Decision-Making segment gives judges an opportunity to integrate the information shared in all the prior segments in common decision-making points in civil and criminal cases. The overall theme is how an understanding of domestic violence might affect how judges make decisions in a number of areas such as drafting and issuing effective protective orders, requiring appropriate batterers treatment, and facilitating enforcement in criminal and civil domestic violence cases. Some of the critical issues addressed include the assessment of the impact of domestic violence on cases involving custody and visitation issues, the evaluation of batterers intervention programs and information regarding appropriate treatment/intervention options and the identification of the potential benefits of conducting review hearings (in conjunction with probation services) to monitor perpetrators' conduct in domestic violence cases. Decision-making is discussed in the context of current federal legislation (and states' emerging legislative reform) in regards to Full Faith and Credit, stalking, firearms and unique

tribal court issues. This segment ends with judges reflecting on the challenges and opportunities to make a difference in dealing with domestic violence cases and their thoughts about a judicial philosophy in approaching this complex endeavor from the bench.

SPECIAL SEGMENT ON VICARIOUS TRAUMA

Aside from the formal program outlined above, there is a special session over lunch on day three to discuss vicarious trauma (or compassion fatigue) in judges as well as stress and burnout from the challenges of dealing with domestic violence. Psychologists present information on the emerging research in this area about the impact of exposure to trauma that many professionals in helping roles may experience such as dealing with a range of material from child sexual abuse, sexual assault and homicides. This session was developed in response to judges' requests about having an opportunity to have a safe and respectful environment to address the emotional toll of their work. Over the years, surveys have been completed by judges to describe the impact of their work and effective strategies to cope. Some of these results have been published and shared in recent years with new participants (Jaffe et al., 2003).

PRELIMINARY EJS EVALUATION

Ongoing evaluation has been an integral part of the EJS program since its inception. Prior to 2006, the workshop evaluations were based on a five point rating scale (1=Poor, 2=Fair, 3=Good, 4=Very Good, 5=Excellent) on the value of each segment and the skills of the various faculty members (see *Appendix A*). The evaluation form also provided additional space for comments by judges. Each educational segment was appraised separately. Judges were asked to rate the segments in terms of whether their expectations were met and to give an overall impression of the segment. A summary of the average ratings for various times the EJS program was delivered between 1999 and 2002 based on evaluations from 350 judges is seen in *Table 1*. The judges' responses on the five-point scale were averaged to provide a composite score for the complete segment. A review of seven different workshop evaluations shows minimal variation and overall positive results throughout the years (i.e., 4 or higher on the 5 point scale; see *Appendix A*). Composite average scores for each segment and sample judges' comments are provided in *Table 1*.

Key Finding #1: Evaluation surveys completed between 1999 and 2002 indicate a high degree of satisfaction with the EJS content, format and facilitators.

Following each segment of the workshop, the participants were asked to rate each presenter on their effectiveness as a faculty members. *Appendix A* provides a composite score of responses for seven workshops between 1999 and 2002. Judges also added additional comments explaining why they rated the presenter as they did. Remarks included statements such as "good clarity and focus", "exuberance, knowledge- very strong" and "presentation of very useful information from practical perspective and experience – great to have an expert in this field."

An additional, overall evaluation was given at the end of the workshop. The judges were asked to rate three things: meeting facilities, meals and conference staff. This was also rated on a five-point scale (the sample average was 4.38). The judges were requested to comment on their favorite part of the program and their least favorite part of the program. Most of the remarks were broad and vague. Some common themes were compliments for the interactive nature of the program ("first day role plays" and "meeting other people") and concerns about the volume of the materials and length of each day ("had to cram so much into so little time"). Judges also offered feedback on the venue and structure of the sessions.

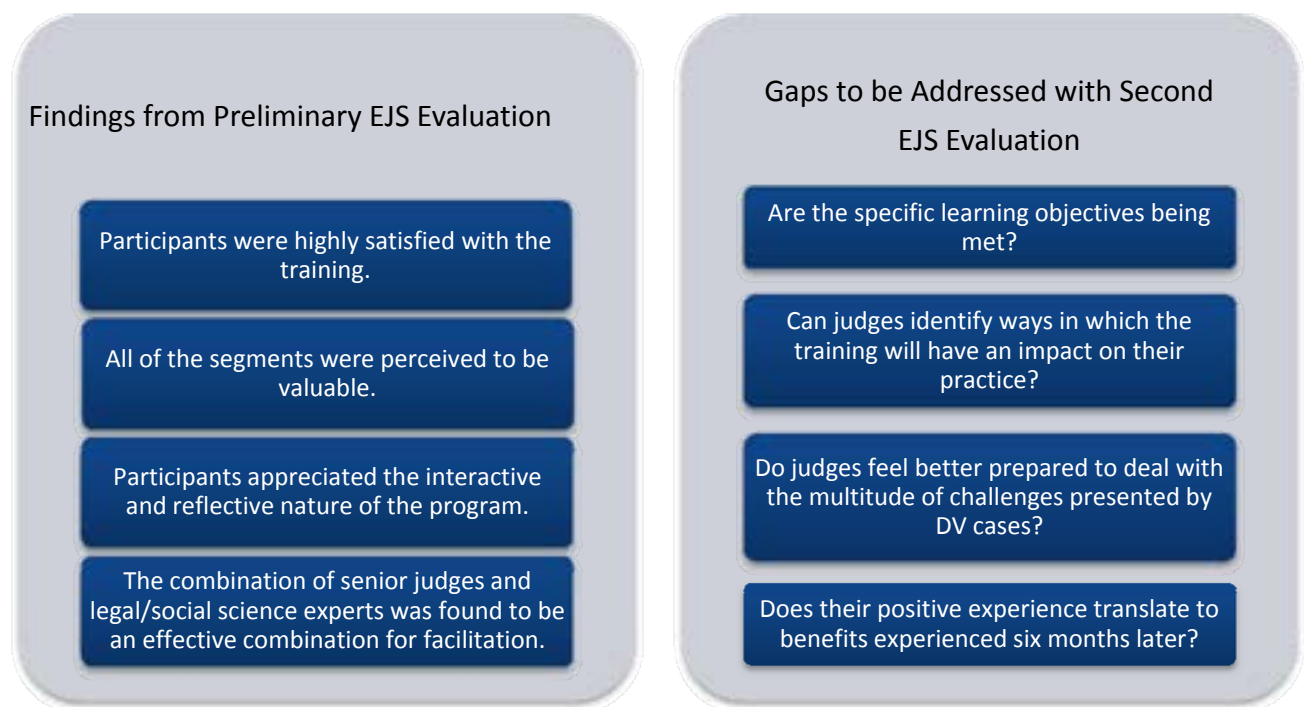
Table 1: Summary of Preliminary Evaluation of EJS Segments (1999-2002)

Segment	Composite Average Score (1=Poor to 5=Excellent)	Sample Additional Comments
1. Practical Courtroom Exercises	4.1	<i>"Very helpful to gain direct feedback and insight from other judicial officers"</i> <i>"Very good set up for the rest of the training – builds trust, opens dialogue"</i>
2. Victim and Perpetrator Behavior	4.2	<i>"The use of the video was very good"</i> <i>"Very informative"</i>
3. Fact-Finding	4.1	<i>"Very applicable"</i> <i>"The film clips were very effective"</i>
4. Access to Justice	4.0	<i>"Found discussion with other judges helpful – ethical considerations are confronted every day!"</i> <i>"Great way to let judges show off a bit, share with each other, give each other ideas, discuss ethics"</i>
5. Fairness and Cultural Issues	4.1	<i>"Awareness of culture is an important key for the judiciary – this section accomplished that"</i> <i>"Appreciated participatory exercise"</i>
6. Decision-Making and Enforcement	4.3	<i>"I have learned some creative ways of enforcement"</i> <i>"Good discussion – role plays and hypos generated good discussion"</i>

CURRENT EJS EVALUATION

A sample of the results of the preliminary evaluation of the EJS program conducted between 1999 and 2005 is reviewed to provide important background for the current evaluation. Clearly, the overall program was highly rated from the outset and the vast majority of participants expressed appreciation for the quality of the faculty and all segments of the curriculum. However, the evaluation did not provide insight into the benefit of the program in terms of the actual learning objectives being met and the assessment of knowledge and skills that judges brought back to their courtrooms. Thus, the preliminary evaluation provided an important foundation for developing a more informative evaluation (see *Figure 1* below).

Figure 1: Findings from Preliminary Evaluation and Gaps Identified for Further Evaluation



Based on the gaps identified with the preliminary evaluation approach, the EJS program organizers developed a more comprehensive evaluation strategy in consultation with Dr. Julia Storberg-Walker of North Carolina State University (http://ced.ncsu.edu/ahe/faculty_pages/storberg-walker.php). Dr. Storberg-Walker undertook an objective third-party evaluation of the curriculum development and delivery process. In consultation with faculty, Dr. Storberg-Walker created new questionnaires as tools to assess the impact and relevance of the program. Part of a more scientific and objective technique to assess this impact was to ask participants to complete a pre-program questionnaire, reflect on their learning during each segment of the program and then to complete a questionnaire a short time after the program as a follow-up on the change process. The highlights of this evaluation and results are discussed in the next two sections.

SECTION SUMMARY

An analysis of the critical skills required by judges to address these complex matters suggested that specialized education on domestic violence was necessary to enable courts to more effectively and efficiently process the growing number of domestic violence cases. The EJS program was based on principles of adult education and the learning styles of judges to create an opportunity for judges to learn from each other and leading experts in the field about the challenging dynamics in domestic violence cases and how to deal effectively with victims, perpetrators and children in the context of legal proceedings. The EJS program consists of six segments over the equivalent of three days of education. These segments include Practical Courtroom Exercises, Victim and Perpetrator Behavior, Fact-Finding, Access to Justice, Fairness and Cultural Issues and Decision-Making.

Data have been collected from participants since EJS began. A sample of feedback surveys from 350 judges between 1999 and 2002 indicated that the participants were highly satisfied with the program, enjoyed its interactive nature, and found the facilitators effective. However, these early results did not identify whether specific learning objectives were being met and whether there was an immediate (and lasting) impact on judges with respect to their practices on the bench. Subsequently, a more detailed evaluation was designed. The methodology and results of this evaluation are provided in the following sections of this report.

SECTION 3: PROCESS AND OUTCOME EVALUATION METHODOLOGY

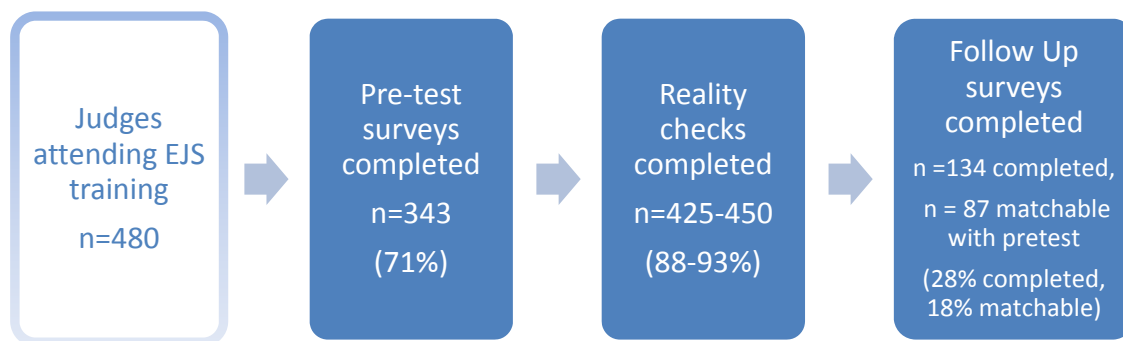
The EJS evaluation included data collection on judges at different points in time. Three measures were used to evaluate the EJS program. Judges were asked to complete a pre-workshop survey prior to attending the four-day workshop. Judges were also asked to complete a brief questionnaire on their reflections (Reality Check) after every half-day segment of the program. Approximately six months after the program, judges were asked to complete an on-line survey (post-workshop survey) assessing their views on the impact of the workshop. The three measures are outlined below and available for review in *Appendices B, C and D*. Surveys were intended to be completed anonymously. Some judges revealed personal information (e.g. signed their names) but all information remained confidential. Only group information is reported. All research protocols were approved by the North Carolina State University's Research Board.

The pre-workshop survey (*Appendix B*) provided demographic and background information on the judges as well as their current knowledge and views about domestic violence. This information provides an overview of the participants and their needs coming into the EJS program. This survey was sent with an information letter (see *Text Box 1*) to ensure that judges understood the voluntary and confidential nature of the data collection.

To assess the value of knowledge and skills covered in each segment of the program, the judges were asked to reflect on the key learning points and how they could use them upon their return to the bench (Reality Checks – *Appendix C*). The 3 questions assessed what they learned, how they would use the information, and how they would improve the segment. These reflections took place at the end of every half-day and provided immediate feedback to the faculty on the learning process.

Approximately 6 months after completion of the EJS program, the judges were asked to complete an on-line survey as a follow-up (Post-workshop survey – *Appendix D*). Judges were asked to consider how they utilized the program information and skill development in their daily work. All surveys were completed anonymously. The independent research contractor maintained a code for each participant to link the pre and post-survey for comparison purposes. Different numbers of participants completed each of the measures, as outlined in *Figure 2*.

Figure 2: Number of Participants Completing Each Phase of Data Collection



Text Box 1: Information and consent letter

Dear Judge Smith,

We look forward to hosting your participation in the NJIDV Enhancing Judicial Skills in Domestic Violence Cases workshop on February 21-24, 2010 in Fort Lauderdale, Florida. In preparation for this program, we request that you complete the attached, voluntary pre-program questionnaire and return it when you register at the program on February 21.

In order to improve our education and make it as relevant as possible to your work, we have contracted with Dr. Julia Storberg-Walker of North Carolina State University to conduct an objective third-party evaluation of the curriculum development and delivery process. Dr. Storberg-Walker created the enclosed questionnaire as a tool to assess the impact and relevance of the program. A valid scientific and objective technique to assess this impact is to ask participants to complete a pre-program questionnaire, and then to complete a similar questionnaire a short time after the program.

Staff and employees of the Judicial Institute will not have access to your individual answers. Each survey (pre-program and post-program) will be identified with a unique code number that is linked to your identity. The 'master list' that links your identity to the code number will be kept securely away from the other study data. No information that could be connected to specific individuals will be disclosed in any subsequent reports or publications. This research is subject to North Carolina State's Protection of Human Subjects in Research Board rules and regulations that can be found at the university's website, <http://www.ncsu.edu/sparcs/irb/>.

One final note: These questionnaires are not intended to evaluate your knowledge in the manner of a school examination. We are evaluating the program rather than your understanding of specific issue areas. While the survey is voluntary, we encourage you to help us evaluate and improve our programs through completion of the requested information. It should require only 15-20 minutes to complete the survey.

Thank you very much for your assistance,

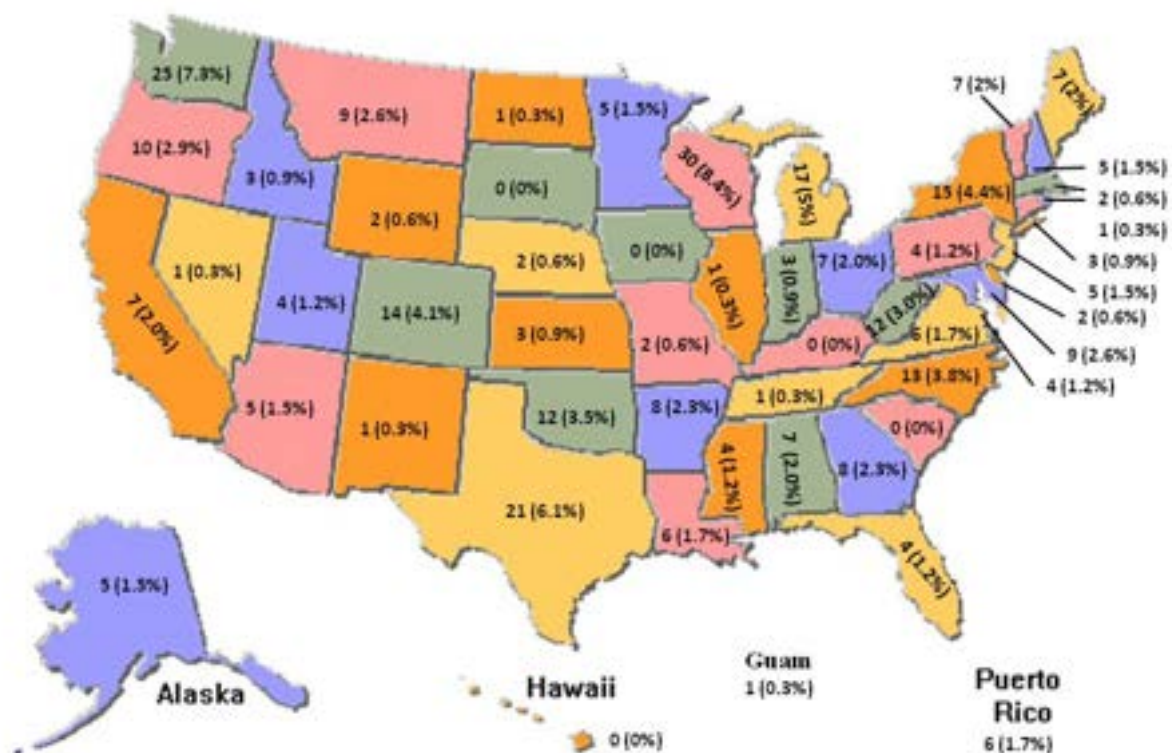
NJIDV Staff

DESCRIPTION OF EVALUATION SAMPLE

A total of 341 judges completed the pre-workshop questionnaire. Pre-program questionnaires included questions about general demographics (sex, ethnicity, and residence), experience and assignment, and logistics around attending EJS.

Overall there were 199 male and 142 female judges, of whom 80% indicated they were Caucasian and 9.5% identified as African-American. The remaining judges identified themselves as Asian Americans (6 judges), Native Americans (8 judges) and Hispanics (8 judges). In terms of communities served, 51% of Judges worked in an urban center and 34% in a rural community. The remaining 12% indicated that their jurisdiction included both urban and rural communities. The judges came from all over the US states and territories with 43 different states represented. Wisconsin, Michigan, North Carolina, New Hampshire, New York, Washington and Texas had amongst the highest number of judges who attended. In addition, judges attended from Puerto Rico (6 judges), and Guam (1 judge). *Figure 3* shows the geographic location of the judges across the US.

Figure 3: Home State or Territory of Judges at EJS Program, 2006-2010



Judges were asked about their length of experience on the bench. At the time of participation in the EJS program, the average number of years served as a judge was 7.9 years with a range of less than 1 year to 29 years. There was a wide range of court assignments, with approximately half of the participants coming from general jurisdiction courts. One third of participants worked in civil courts, and smaller numbers in criminal, juvenile dependency, and specialized domestic violence courts, as indicated in *Figure 4* to the right.

Figure 4: Court Assignments of EJS Participants

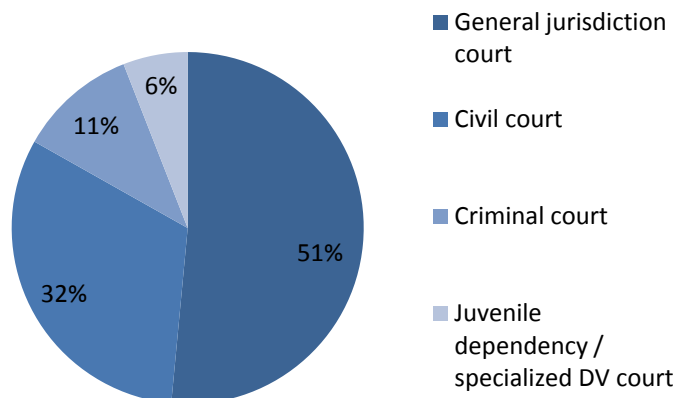
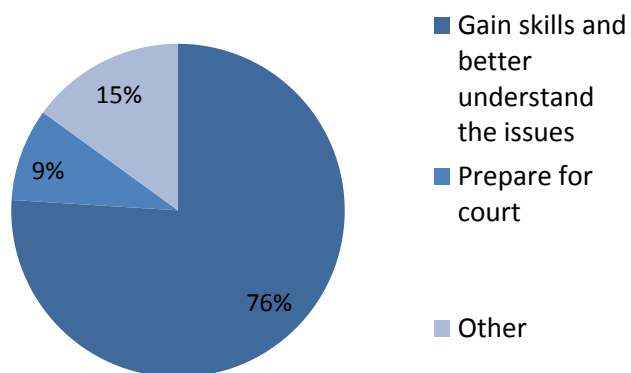


Figure 5: Reasons for Attending EJS

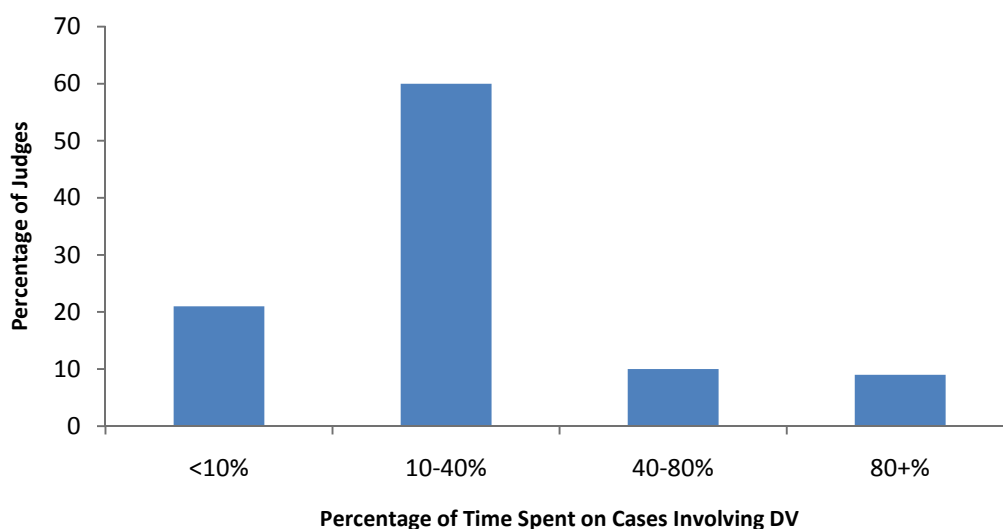


There were also questions about why and how judges come to attend the EJS training. The majority of judges indicated that reason for attending the EJS program was to gain skills or better understand the issues surrounding domestic violence (76%) or prepare for court (9%) as shown in *Figure 5*. In terms of funding for the session, 40% of judges indicated that their local OVW grantee program supported their attendance. Other sources of funding included courts (16%), scholarship (9%), personal (2%) or some combination of sources (30%).

Judges were asked to indicate the percentage of their time devoted to cases that involve domestic violence. There was a full range of answers in that 21% of Judges said less than 10%, 60% of Judges said between 10-40%, and 10% said between 40-80% (see *Figure 6*). There were 30 Judges (9%) who indicated that over 80% of their time was spent on domestic violence cases.

Key Finding #2: Judge participants represent a diverse group in terms of tenure, demographics, and court assignments.

Figure 6: Percentage of Judges' Time Spent on DV Cases



SECTION SUMMARY

The current evaluation was designed to inform further improvements to the program. Specifically it provides more thorough information about the background demographics and attitudes of judges attending the program, the extent to which specific learning objectives are being met, and the extent to which judges can identify how their learning experience will change their behavior in their courtrooms. To fulfill these evaluation objectives, data were collected, before, during, and six months after the EJS program.

The results presented in the next section are based on a sample of 341 judges (at pre-test). It is clear from the demographics presented that there is significant variability in terms of years of experience on the bench, type of court assignment, and communities from which these judges are coming. This diversity is a strength of the program in terms of the breadth of experience represented and opportunities for judges to learn from their peers in a facilitated and interactive environment. At the same time, such diversity could potentially present a challenge in creating a program that challenges the more experienced and advanced judges, while providing the necessary foundation for the less experienced judges.

SECTION 4: PROCESS AND OUTCOME EVALUATION RESULTS

The results of the evaluation are outlined in three sections dealing first with the pre-workshop questionnaire, the participants' reflections during the program and the post-workshop questionnaire. The questionnaires were collected from twelve different EJS programs held between 2006 and 2010.

PRE-TEST RESULTS: JUDGES' ATTITUDES ABOUT THEIR WORK AND DV IN THE COURTS

WHAT JUDGES ENJOY MOST ABOUT THEIR WORK

Judges were asked what activities they enjoyed the most and least about their profession. Individual responses were coded for main themes. The most common themes for what judges reported they enjoy most are summarized in *Table 2* and comments in *Figure 7*. Judges most often reported that hearing cases (16%), working with litigants (15%) and helping children (13%) were the most enjoyable aspects.

Table 2: What Judges Enjoy Most about their Work

Aspect of their job	Percentage (%)
Hearing cases	15.5
Working with litigants	15.0
Helping children	12.8
Resolve cases	12.0
Making a difference	10.4
Working with professionals	9.2
Weddings/Adoptions	4.3
All/everything	2.4
Ending violence/promoting safety	0.5

Figure 7: Examples of What Judges Enjoy Most

Judges Enjoy...	<i>"seeing positive changes in a defendant at the end of a criminal trial"</i>
	<i>"presiding over therapeutic courts"</i>
	<i>"dealing with young offenders"</i>
	<i>"hearing good arguments from well prepared lawyers"</i>
	<i>"working with the community to find programs that help people in need"</i>

WHAT JUDGES ENJOY LEAST ABOUT THEIR WORK

In terms of the least enjoyable activities, judges indicated that dealing with domestic violence and child abuse (9%), paperwork (12%) and incompetent lawyers (8%) were the least enjoyable aspects. Results are shown in *Table 3* and *Figure 8*.

Table 3: What Judges Enjoy Least about their Work

Aspect of their job	Percentage (%)
Paperwork	11.7
Domestic Violence/Child Abuse	8.6
Incompetent/unprofessional Lawyers	8.0
Protection Cases	4.9
Recidivism	4.9
Lack of civility	4.6
Schedule problems	5.8
Pro se litigants	2.7
Volume of work	2.4
Nothing	1.5

Figure 8: Examples of What Judges Enjoy Least

Judges Do Not Enjoy...	<i>"remanding people, especially before a holiday"</i>
	<i>"sentencing people to jail or State prison"</i>
	<i>"the inability to convey to [people] the damage of their actions to themselves and their children"</i>
	<i>"parents using children and the courts for their own gain and dominance"</i>
	<i>"failing to protect children from the adverse effects of domestic violence"</i>
	<i>leaving the bench and the end of the day without being able to fully address all cases</i>
	<i>dealing with bitter, antagonistic parents</i>

SEEKING ASSISTANCE IN DV CASES

Judges were asked to think about the resources that they use when they need help with issues related to domestic violence. The resource that was most often selected was peer judges in the local area or regional area (83% and 60% respectively). Judges were also asked to indicate who seeks their help with similar issues. Similar responses were given as listed above. 77% of Judges indicated that local judges most often turn to them for advice and help. These results are summarized in *Table 4*.

Table 4: With Whom do Judges Network for DV Cases

Resource	Who judges turn to (%)	Who turns to judges (%)
Peer judges in local area	85.8	80.2
Other court personnel	66.9	75.0
Non-attorney advocates	63.6	70.3
Attorneys	60.9	75.9
Peer judges in regional area	60.8	48.2
Law enforcement personnel	50.0	66.5
Bar association resources	32.8	22.9
National council resources	30.7	12.5
Other	23.8	13.1
Peer judges in national area	18.7	14.0

ATTITUDES ABOUT DV IN THE COURT SYSTEM

In the pre-workshop survey, judges were asked to respond to 15 questions concerning attitudes toward domestic violence in the court system. A 5-point scale was used ranging from Strongly Agree to Strongly Disagree in response to each question. The 15 questions have been divided into four themes related to judges' views on the impact of the court on domestic violence, judges' satisfaction in dealing with domestic violence cases, satisfaction with attorneys and community resources and limitations on the role of judges. It should be noted that the directionality of the statements is not all the same (i.e., for some statements agreement marks higher confidence in a system or resource and for other statements agreement indicates wish for change). Results are presented in *Figure 9*.

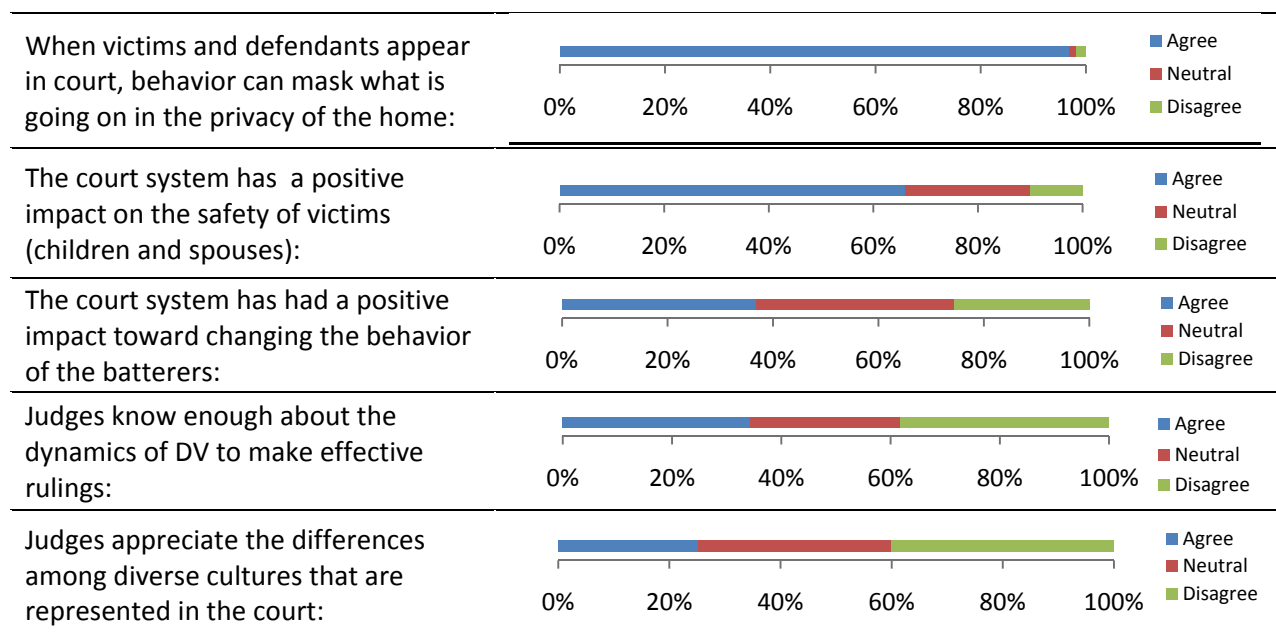
Key Finding #3: Pre-test surveys indicate a wide range of attitudes and learning needs among judges.

In reviewing the attitudes endorsed by judges prior to the workshop, a number of observations are apparent:

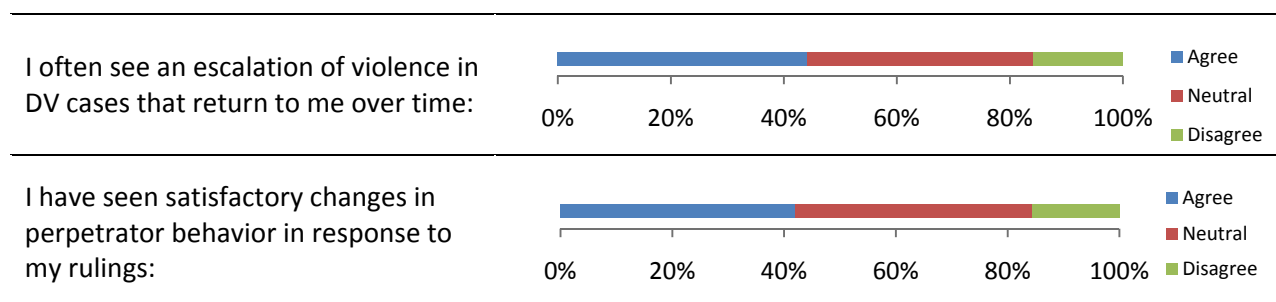
1. There is variability in judges' attitudes on all four domains.
2. There are a number of areas where judges feel pessimistic about the effectiveness of the court response (i.e., changing batterer behavior, and to a lesser extent, ensuring victim safety).
3. The perceived needs of the judges match the EJS learning objectives well (e.g., less than 30% of judges feel that judges appreciate the cultural diversity represented in court).
4. There are some clear opportunities for enhancing judicial role. For example, fewer than 60% of judges think it is permissible to become involved in community education activities, in contrast to the judicial code of ethics, which actually encourages this type of engagement.

Figure 9: Attitudes of Judges Regarding Court Response to Domestic Violence

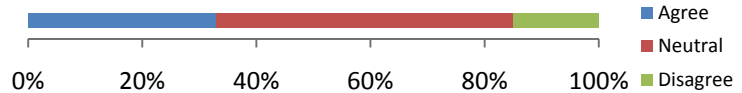
Impact of the Court on Domestic Violence



Individual Judges Perceived Effectiveness in Dealing with Domestic Violence Cases

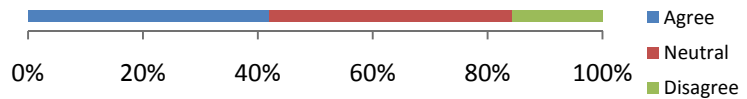


I have seen satisfactory changes in victim behavior in response to my rulings:

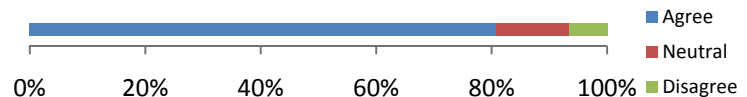


Satisfaction with Attorneys and Court-Related Services

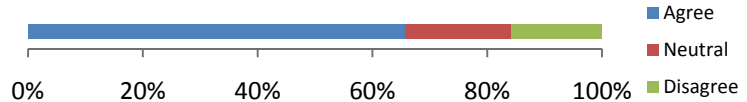
The batterer's intervention program in my community has been successful:



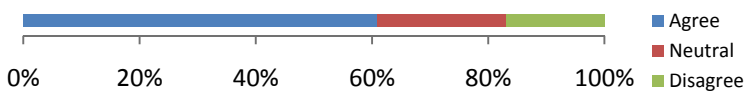
I wish the coordinated response to DV in my community would be more effective:



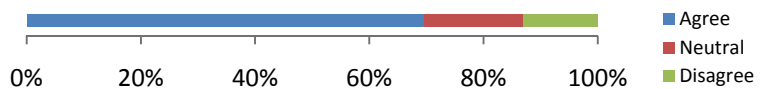
I am satisfied with the performance of the defense attorneys in my court:



I am satisfied with the performance of the prosecuting attorneys in my court:

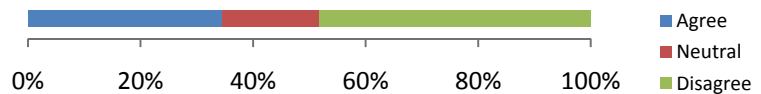


For family law cases that may have a DV issue, the evidence is likely to be presented to me:

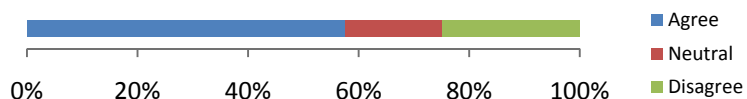


Judges Ethical Role in Responding to DV

The code of judicial ethics prevents a judge from leading a coordinated community response to DV:



It is permissible for a judge to become involved in community activities in order to promote greater DV victim safety and perpetrator accountability:



JUDGES' WISHES FOR DV CASES

Judges were also asked to list three requests (wishes) that would enhance their knowledge, skills and effectiveness in dealing with domestic violence. The results were coded for content and several common themes emerged. Some of the most common responses included the wish to better understand domestic violence (19.7%), to have better resources (16.4%) as well as more training (9.9%) and knowing what works (9.1%). The most common wishes (coded for content) are shown in *Table 5*.

Table 5: Judges Top Wishes for Dealing with Domestic Violence

Wish	Percentage (%)
More resources	19.7
Understand domestic violence	16.4
More training	9.9
Knowing what works	9.1
Ability to predict dangerousness	3.6
Case management	3.1
Break the cycle of violence (next generation)	2.8
Better screening	2.4
Access to latest legal research	2.4
Having up to date information about current cases	2.4
Child witnesses (e.g., resources, aids for children to testify)	2.1
Having more time (e.g., to deal with cases)	2.1
Reduce recidivism	2.0
Cultural diversity training/awareness	1.9
Increased attorney involvement	1.4

Judges want the tools to develop a collaborative response within the framework of judicial ethics:

“Judicial involvement in the community must be balanced carefully with the requirement of neutrality. With this in mind, I would like to be part of a community based DV group that brings together judges, court staff, law enforcement, child advocates, counseling agencies, clergy and the public to address DV issues.”

-- Judge Participant

Many of the wishes reported by judges did not fit neatly into the codes in *Table 5*. These wishes ranged from the need for universal violence prevention to better awareness and firsthand experience of community resources. Some of these wishes are provided in *Figure 10*.

Figure 10: Sample “Other” Wishes Reported by Judges

Judges'
Wishes...

"Education to combat DV starting in kindergarten"

"Observe a treatment program from start to finish"

"A ride along with our local law enforcement assigned to DV"

"Continue to remain passionate about the work we do when victims see us as their savior on Monday when we protect them from violence but then by Wednesday we are the villains who are destroying their families."

"Eliminate racial / class / gender stereotyping and blaming the victim in our culture and court system."

"More consistency and continuity in court room personnel, less turnover, rotation, etc. of advocates, clerks, assistant State attorneys and assistant public defenders."

JUDGES' VISIONS OVER THE NEXT 10 YEARS

Judges were also asked to summarize their vision in their role as a judge in their community for the next 10 years. The major themes reported are summarized in *Table 6* and center on improving access to justice and enhancing collaboration with community partners. Many judges expressed ideas about the ideals of judicial integrity and neutrality with the need for community action on domestic violence – summarized by one participant as “I hope to be a judge who does and is perceived to do honest, effective work that improves the lives of all interested persons of the cases I handle.”

Table 6: Judges’ Visions for the Next 10 Years

Vision	Percentage (%)
Collaboration with Community	15.2
Improve/Save lives	13.2
Unbiased/Fair	11.0
Effective Justice System	8.3
Wise use of resources (i.e., gathering/using new resources, managing resources)	7.3
Knowledge	7.2
Promote awareness	5.9
Integrity	5.8
Protection	4.4
Compassion	4.1
Innovation	2.5
Courts working together effectively	2.1
Balance rights	2.0
Clear orders	1.8
Policy/Legal Reform	1.7

Judges’ visions ranged from optimistic to more modest and many included an impact far beyond their courtrooms. To really capture the diverse and genuine wishes of judges, it is important to look at their actual quotes. A sample of these wishes is provided verbatim in *Figure 11*.

Figure 11: Sample of Judges' Visions

Judges'
Visions...

"With caseloads escalating at an alarming rate we are burdened with a paucity of resources and with a long wait for services."

"When I retire in 4 years, I want to act as an advocate for the most vulnerable in our community -- the elderly, the handicapped, and the children. If we can't keep safe, we have failed."

"I see myself as a facilitator -- who encourages and supports others to become more informed about the problem and to provide possible solutions."

"There is no time for a vision -- right now I am trying to listen more than I talk, learn about options and do my best to get through very busy calendars without feeling like I'm overseeing an 'assembly line'."

"I want to feel I am having some positive impact on the people involved in the cases that come before me -- i also want to feel that I am making my community a better, safer place."

"I would hope that the decisions I make as well as the education I provide to those who are outside the criminal justice system will have the impact of reducing the number of domestic violence incidents that occur throughout my community."

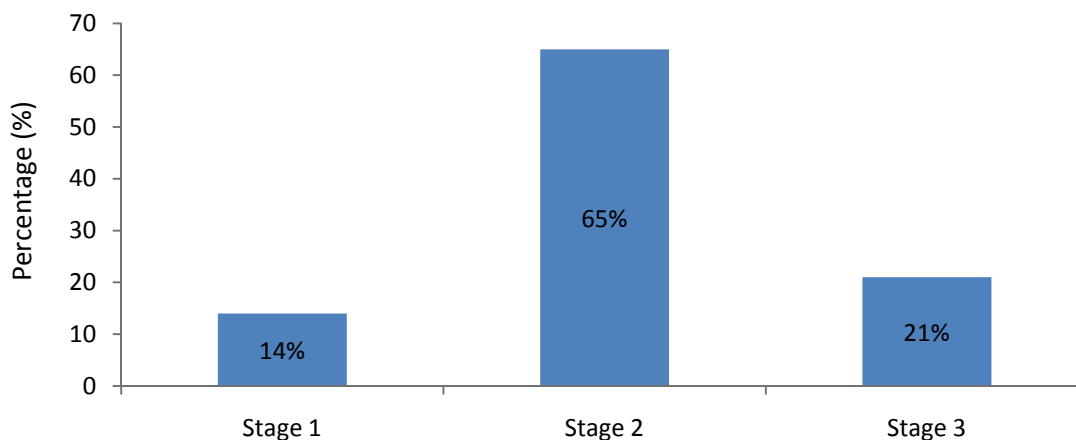
"Become more effective as a listener and be able to turn problem cases from becoming increasingly dangerous into cases that help defendants and the community from violence and destructive behavior."

STAGES OF CAREER WITH RESPECT TO ADDRESSING DOMESTIC VIOLENCE CASES

The final section of the pre-test was a self-assessment with respect to what stage of expertise judges identified with in terms of their awareness and skills for domestic violence cases. Judges read descriptions of three career stages in dealing with domestic violence cases from just learning about handling these matters to working collaboratively with court-related services and community partners. Stage 3 was the highest stage and indicated the most in-depth knowledge and experience of domestic violence. Using a 7 point scale judges indicated where they perceived themselves on the continuum. The average rating was 4.32 and the range was from 1 to 7. These scores were then coded into the 3 separate stages. Stage1 (1-2 on the 7 point scale) represents Judges who have been recently appointed or assigned to hear cases involving domestic violence. Stage 2 (3-5) corresponds to judges who have been working for a longer period of time and Stage 3 (6-7) is the highest level, where judges have a deeper understanding of domestic violence and have been involved as mentors to new judges in this area. The majority of judges indicated that they were in the middle stage (Stage 2) at pre-test, as indicated in *Figure 12*.

Key Finding #4: Before EJS training, most judges considered themselves at a middle stage of career development with respect to handling domestic violence cases.

Figure 12: Self-identified Career Stage with Respect to DV Cases



EVALUATION CONCURRENT WITH EJS: REALITY CHECK RESULTS

Judges were asked to reflect on the EJS program after each of the six segments was completed (half-day reality check). The judges were asked three questions: what was the most important information they learned, how they would use this information when they returned to work, and any suggestions for revisions. Responses were coded for content and are summarized below. Common findings across all six segments are highlighted.

Key Finding #5: Judges' reflections on learnings for all segments during EJS match the stated program objectives very closely.

SEGMENT 1: PRACTICAL COURT ROOM EXERCISES

The practical courtroom exercises segment gives judges an opportunity to discuss complex civil and criminal cases involving domestic violence. Case scenarios are presented through role plays by faculty and participants playing the part of litigants and their counsel together with supporting documentation. The cases represent difficult dilemmas with no straightforward decisions. Judges are asked to consider how they might handle the cases and their analysis is then discussed in small groups. The cases all give rise to discussion about the dynamics of domestic violence and as well the identification of factual, legal, procedural and resource issues that frequently arise.

Judges learned:

- The variety of different approaches/resources that are taken in different jurisdictions (i.e. , keep an open mind, what can and cannot be done, what is being done)
- The variety and similarities of different approaches and perspectives taken by other judges (i.e., there is no one right answer)
- The importance of having as much information as possible from different sources (i.e. , evaluate all issues, ask more questions, fact finding techniques)
- Ways to evaluate information (i.e., think more broadly)

Judges indicated they would use information from this segment:

- To improve their own work in general
- To re-examine the system in their jurisdiction and expand services/try to implement the ideas discussed (i.e., adopt the techniques)
- To determine what questions should be asked/importance of asking multiple questions
- To share with other colleagues in their own jurisdiction
- The importance of gathering information and how it can be gathered from a variety of sources
- The resources within their own jurisdiction and how to utilize them

Suggestions for improvement:

- No changes needed (51.9%)
- More time per session (16.7%)
- More breaks (1.7%)
- Separation of civil and criminal matters (6.4%)
- Provide statistical analysis or other available research/facts (6.9%)
- Other (16.4%)

SEGMENT 2: VICTIM AND PERPETRATOR BEHAVIOR

The Victim and Perpetrator Behavior segment gives judges an opportunity to evaluate the impact of domestic violence on adult victims and children who are exposed to violence. This segment addresses the context of violent behavior and patterns of abusive behavior. Consideration is given to the decision-making and courtroom presentation of victims and perpetrators.

Key Finding #6: Across segments, most judges indicated that no changes were needed to improve the sessions. Some judges made minor suggestions.

Judges learned:

- The variety of different approaches and perspectives taken by other judges
- The behaviours of the victim/perspective (i.e., choices/lack of choices and resources, patterns)
- The impact of abuse on the child/how to help the child (direct and indirect)
- The behaviours/profile of the perpetrator (i.e. single incident or pattern of abuse)
- How to effectively provide resources/the importance of the resources for all parties (i.e., different types of resources and their effectiveness)
- Complexity of domestic violence in general

Judges indicated they would use information from this segment:

- To gather more information (i.e., ask the right questions)
- To re-examine the system in their jurisdiction and expand services/ try to implement the ideas discussed
- To improve their own work in general/take the right approach (i.e., not be judgemental/frustrated)
- To utilize the variety of available resources/services
- Address the needs of the child and family
- Remembering to address the context of the facts of each case
- To help see the perspective of the victim (i.e., with compassion, sensitivity and without bias)
- To help recognize and identify when the accused is a batterer
- To share with other colleagues in their own jurisdiction

Suggestions for improvement:

- No changes needed (60%)
- More breaks (6%)
- Separation of civil matters from criminal matters (1%)
- More discussion in general/more time (i.e., more of practical suggestions (13%)
- Too long (3%)
- Be more gender neutral (1.5%)
- More evidence-based research (1%)
- Other (14.5%)

SEGMENT 3: FACT-FINDING

The Fact-Finding segment gives judges an opportunity to evaluate the facts of the case before they are asked to make a specific ruling, including the assessment of factors associated with the potential dangerousness of a perpetrator of domestic violence. Learning objectives involve the challenges of determining credibility, the assessment of bias, motive and perspective of witness and parties. Extensive time is spent on case illustrations and the impact of recent higher court decisions such as the Supreme Court judgement on whether a hearsay statement is “testimonial” or “non-testimonial” (*Crawford*).

Key Finding #7: In all segments, the opportunity to hear from other judges was an important part of the learning experience.

Judges learned:

- The importance of gathering information / facts (impartially) (i.e., what to look for)
- Methods of gathering information / facts (impartially) from a variety of sources
- The variety of different approaches, methods, and resources used in different jurisdictions
- The *Crawford* review
- The variety of different approaches and perspectives taken by other judges
- The importance of putting the facts of each individual case into context
- Risk assessment / lethality

Judges indicated they would use information from this segment:

- The importance of effectively using a variety of resources to gather more information / facts (impartially) (i.e., ask the right questions)
- To improve their own work in general (i.e., keep checklist at bench)
- To apply *Crawford*
- To share with other colleagues in their jurisdiction
- To re-examine the services in their own system and expand the services / try to implement the ideas discussed
- Remembering to address the context of the facts of each case
- Assessing risk

Suggestions for improvement:

- No changes needed (46%)
- More time on the discussion of evidentiary issues (like the *Crawford* case) (15.6%)
- Break discussion into civil and criminal matters (3.1%)
- More breaks (7%)
- Shorter discussion session (5.7%)
- More explanation/information/material (4.4%)
- Other (18.2%)

SEGMENT 4: ACCESS TO JUSTICE

The Access to Justice segment provides a time for judges to reflect on the impact of their role as a judge on court system players by exploring, defining and refining their role as a judge, with the goal of advancing access to justice in their courtroom and community. A central focus of this segment is the application of judicial ethics that govern judges' participation in activities such as court and community councils, legislative proposal, and education programs by and for non-judge providers.

Key Finding #8: Judges appreciated the forum for discussing challenging ethical issues.

Judges learned:

- The importance of taking a leadership role in the community and educating the public and how to properly do so in a variety of different ways (i.e., different groups and organizations)
- How to involve and coordinate a variety of community resources
- How to apply / abide by the Code of Ethics when educating the public
- How to deal with the media
- Services offered and ideas from other jurisdictions to better deal with DV cases

Judges indicated they would use information from this segment:

- Try to apply / implement the ideas discussed (i.e., to become more active in the community while abiding by the Code of Ethics, develop a task force, meet with groups and organizations)
- To share with other colleagues within their jurisdictions
- To review collateral consequences of pleas
- To increase training and security in their own jurisdictions

Suggestions for improvement:

- No changes needed (54.7%)
- Spend more time on discussion and review of cases (12%)
- Less information/discussion (i.e., of ethical issues (5.1%)
- Separate civil matters and criminal matters (3%)
- More breaks (3.9%)
- Other (21.3%)

SEGMENT 5: FAIRNESS AND CULTURAL ISSUES

The Fairness and Cultural Issues segment helps judges identify ways in which culture is relevant in the courtroom and recognize cultural biases and assumptions about a person or the facts of a situation based on misinformation. Participants have an opportunity to assess blinding preferences that are brought to the bench that might influence courtroom demeanour or the interpretation of facts and making of decisions in domestic violence cases.

Key Finding #9: EJS helped judges develop a stronger role in coordinating / providing access to resources for diverse populations.

Judges learned:

- The importance considering the complexity of culture and being culturally competent / aware (i.e., similarities and differences)
- Culture should be considered, however it is not determinative of the outcome (i.e., look at the individual, not just the culture)
- Importance of being more aware of cultural stereotypes, biases, and misperceptions (one's own biases as well as others') (i.e., how to recognize / how they affect decision making)
- The effect of culture on one's ability to access services / justice
- Culture is NOT an excuse for abuse

Judges indicated they would use information from this segment:

- To be more sensitive to, aware and knowledgeable of cultural biases/ issues and the impacts of culture in every case
- To make sure that findings are based purely in fact
- To promote and take part in further discussion and knowledge of cultural issues within the courtroom and across the jurisdiction (i.e., learn more about different cultures from members of the culture)
- To implement greater cultural services / utilize existing services within their own jurisdiction (i.e., to be more accommodating)
- Share with colleagues

Suggestions for improvement:

- No changes needed (62.7%)
- Spend more time on discussion (5.2%)
- More breaks (2.9%)
- Less time/it was too long (10.2%)
- Other (19%)

SEGMENT 6: DECISION MAKING AND ENFORCEMENT

The decision-making segment gives judges an opportunity to integrate the information shared in all the prior segments in common decision-making points in civil and criminal cases. The overall theme is how an understanding of domestic violence might affect how judges make decisions in a number of areas such as drafting and issuing effective protective orders, requiring appropriate batterers treatment and facilitating enforcement in criminal and civil domestic violence cases. This segment ends with judges reflecting on the challenges and opportunities to make a difference in dealing with domestic violence cases and their thoughts about a judicial philosophy in approaching this complex endeavour from the bench.

Key Finding #10: Not one judge indicated that the training was too long or inefficient; conversely, several suggested more time.

Judges learned:

- Federal law / firearms laws
- Full faith and credit
- Protective orders / victim autonomy
- Having a judicial philosophy
- Procedural issues in criminal and civil courts related to domestic violence

Judges indicated they would use information from this segment:

- To improve and incorporate into their own work / try to implement the ideas discussed
- Techniques to apply and enforce firearms laws
- To share the information with other judges / colleagues; organize training sessions
- To provide / expand services and resources

Suggestions for improvement:

- No changes needed (57.1%)
- More breaks (7.6%)
- Have more time to tackle issues such as interstate enforcement, mental illness, electronic messaging / technology, PO's. determining the credibility of witnesses (14.4%)
- More time/discussion/questions (8.8%)
- Separate civil matters and criminal matters (1.4%)
- Other (10.7%)

Judges seemed to enjoy both the interactive and diverse nature of the many issues that were covered. In the words of one participant, *"This was probably the best or one of the best educational experiences I have had."*

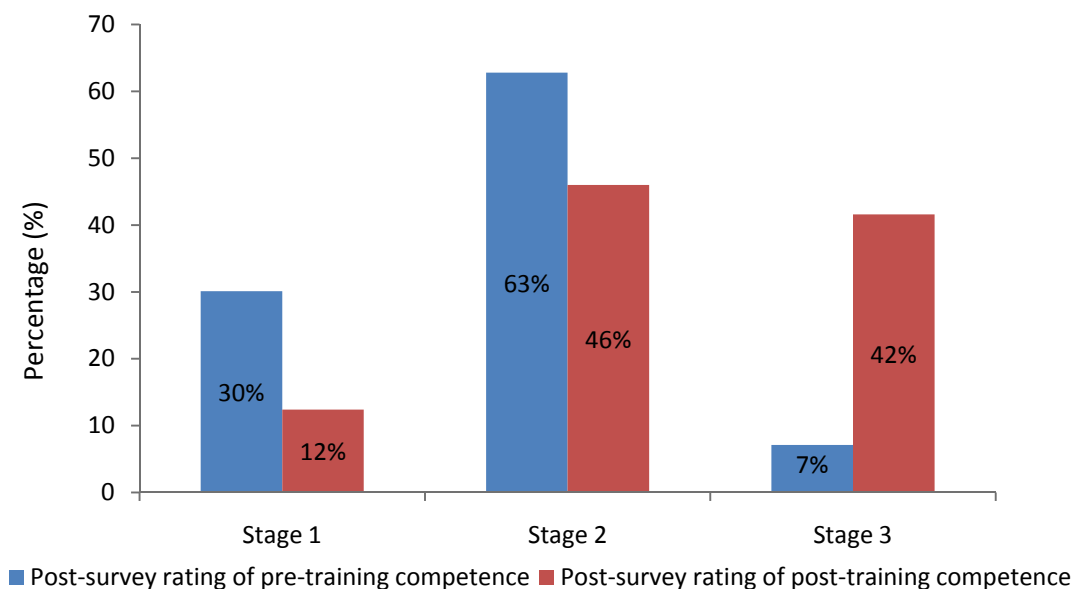
FOLLOW-UP RESULTS: THE IMPACT OF EJS

A follow-up (post-workshop) survey was completed on-line by 122 judges approximately six months following the training. The post-survey asked many of the same questions as the pre-survey as well as several questions that asked specifically about the impact of the training experiences.

Approximately one-third of the judges completed the post-survey. Given that only a sub-sample of judges completed the post-survey, statistical analyses were completed to examine possible differences between the subsample of 134 and the full sample (pre-survey of 343 judges). There were no significant differences between these two groups for years of experience, time spent on domestic violence cases, reported stage in career, or gender and race. As a result, we can conclude that this subsample is random and thus results are applicable to the entire population of judges who attended the EJS program.

In the post-training survey judges read the same descriptions as in the pre survey regarding three career stages. Using the same 7-point scale judges indicated where they perceived themselves on the continuum before the training and after the training. The average rating before the training was = 3.56 (range 1-7) and the average rating after the training was 4.87(range 2-7). No judges believed they were still at Level 1 in Stage 1 after the training. These responses were collapsed into the 3 separate stages (1-2, 3-5, 6-7). Before the training only 10% of judges indicated they were in the third stage whereas after the training 42% said they were in Stage 3. See the *Figure 13* for a comparison of pre- and post-program ratings assessed at post-test.

Figure 13: DV Career Stages Before and After Training Assessed Post-Test



There are two very important findings with respect to the career stage identified by judges. First, there is a clear shift in the confidence, skills, and awareness of judge-participants as evidenced by the higher scores (on the scale of 1 to 7) and the greater number of judges rating themselves in Stage 3. The shift to Stage 3 is particularly noteworthy as it is a Stage that goes beyond individual competence to assuming a leadership and mentoring role. Essentially, judges are experiencing a qualitative shift in their ability to deal with the complexity of DV cases after engaging in EJS training.

Key Finding #11: The number of judges who rated themselves as leaders in the field of DV cases (i.e., stage 3) quadrupled as a result of EJS training.

Key Finding #12: Judges overestimated their skills and competence with DV cases prior to EJS training. After EJS, they rated their starting level lower than they originally thought pre-training.

The second important finding regarding self-identified competence is the gap between how judges rated themselves prior to EJS training, and how they subsequently saw their pre-training stage *after* the EJS training. A comparison of actual pre-test career stage (shown in *Figure 12*) and post-test rating of pre-training career stage (shown in *Figure 13*) indicates that after training, judges rated their pre-training skills and awareness lower. This phenomenon is confirmed by examining the pre-training scores on the 7-point scale ($X=4.35$, $DS = 1.68$) and post-training ratings of pre-training competence ($X= 3.61$, $SD = 1.57$) for the sample of judges who completed pre- and post-tests that could be matched. Clearly, once judges have the experience of identifying and approaching the complexities of these cases, they realize that they were not as advanced as they originally thought.

Thus, training made judges more aware of the complexity of DV cases and diverse skill set required to handle these cases effectively. It also increased their skills, awareness and confidence in being able to meet the demands of these cases.

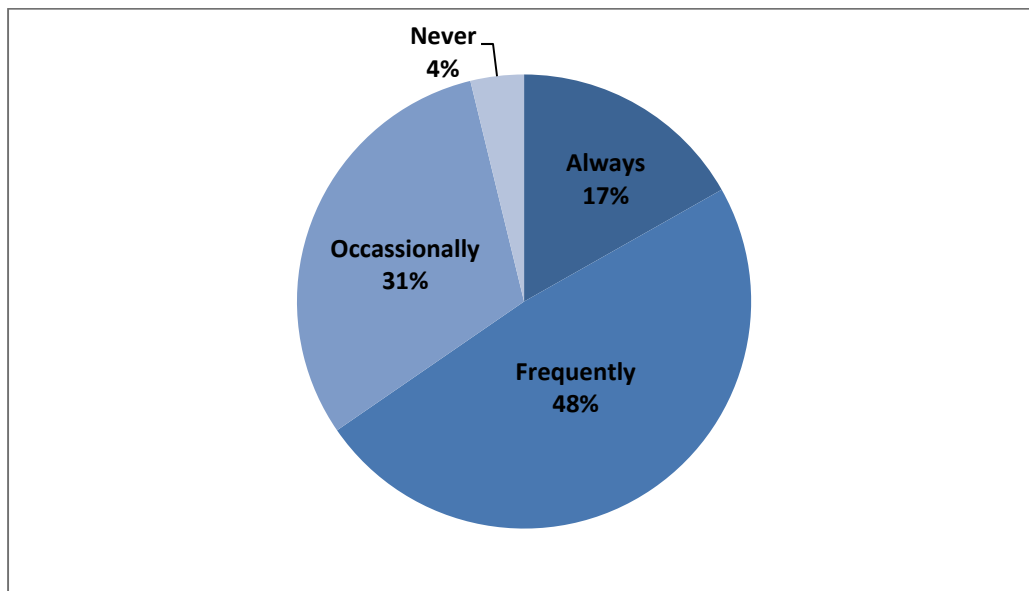
In the follow-up survey, questions were asked regarding the effectiveness of the training program in four specific areas. These areas included access to justice, providing judicial leadership, enhancing victim safety, and improving batterer accountability. If judges responded by saying “occasionally,” “frequently” or “always,” a follow-up question was asked. Respondents were given specific choices and asked to identify the ways through which the program helped. The follow-items were accompanied by instructions to rank the order of the items (i.e., choose the five most important in order of priority). However, survey results indicated confusion about the ranking versus simply rating the items on a scale of 1 to 5. As a result, the most commonly endorsed items are included in this section, without accompanying number values. Results indicated that the vast majority of judges reported improvements in these areas. Furthermore, they were able to identify specific ways in which these improvements were realized.

Key Finding #13: At 6 month follow-up the vast majority of judges identified specific benefits and behavior changes in the areas of access to justice, judicial leadership, victim safety, and batterer accountability as a result of participating in EJS.

IMPACT #1: EJS TRAINING IMPROVED ACCESS TO JUSTICE

The first impact question asked judges whether they felt EJS had improved their ability to provide access to justice. Approximately 2/3 of judges answered that EJS provided them with the tools to improve access to justice always or frequently (see *Figure 14*).

Figure 14: Most Judges Indicated Improved Access to Justice Always or Frequently



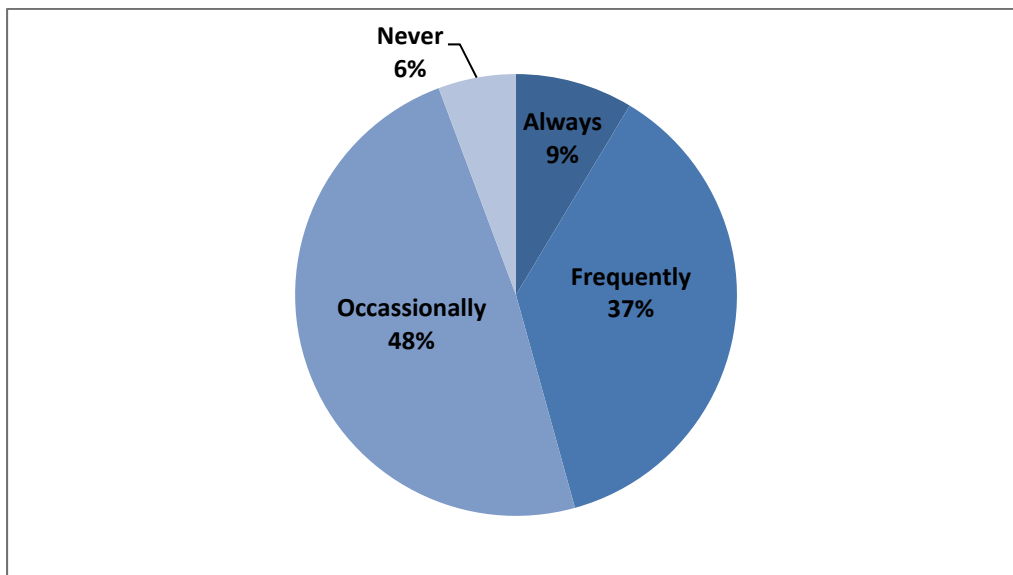
Judges were asked *how* the EJS program helped them improve access to justice. Judges endorsed the following items most frequently:

EJS helps me to...

- identify and address cultural barriers that impact access to justice, including due process protections
- identify and control battering behaviors that can impede access
- improve access through administration of the court
- contribute to the community response to domestic violence to promote better access

The next question asked if the training helped the exercise of judicial leadership in the community. Nearly half of the respondents indicated that it improved their judicial leadership either always or frequently (see *Figure 15*).

Figure 15: The Majority of Judges Felt EJS Helped them Exercise Judicial Leadership



For the judges who indicated that the EJS program helped them exercise judicial leadership in their community, they strongly endorsed the following statements:

EJS helps me exercise judicial leadership in my community by...

- providing ideas for and examples of engaging appropriately and ethically, in judicial leadership activities
- motivating me to undertake greater judicial leadership
- answering key, specific questions pertaining to judicial leadership
- helping me determine whether to participate in extrajudicial activities like education, legislation, discussions with the media, etc., and how to do so ethically
- helping me to connect with my colleagues to discuss and consider alternatives in resolving judicial leadership questions

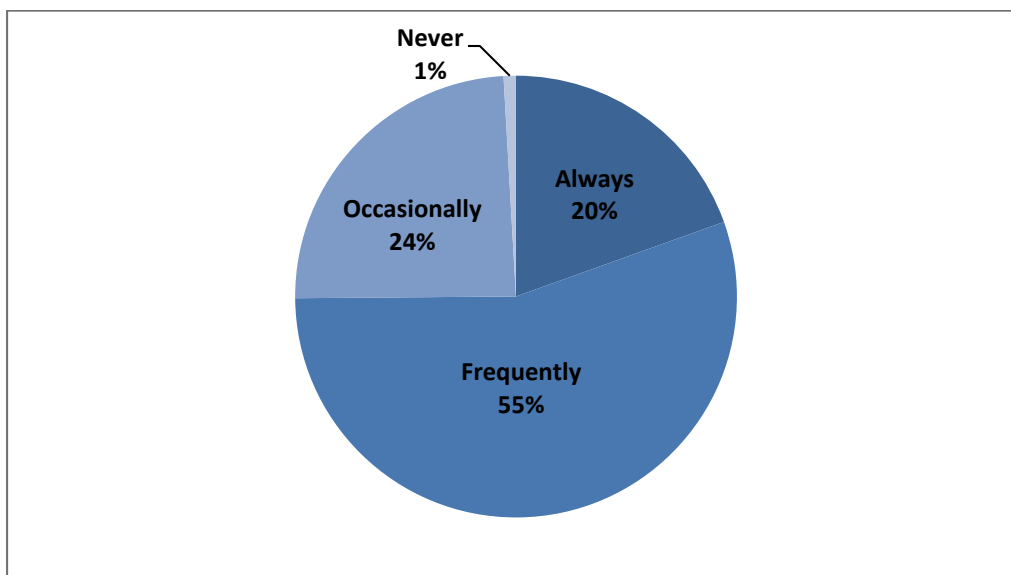
EJS helps me exercise greater leadership on the bench with respect to...

- examining and accepting pleas
- warning of collateral consequences
- evaluating adequacy of legal representation

IMPACT #3: EJS HELPS JUDGES ENHANCE THE SAFETY OF VICTIMS OF DV

The third follow-up question asked if the training helped enhance the safety of victims. The vast majority of judges indicated improvement in this area (see *Figure 16*).

Figure 16: Almost All Judges Indicated that EJS Helped them Enhance Victim Safety



Judges who indicated that EJS helped them enhance the safety of victims of DV endorsed a variety of mechanisms through which these benefits were incurred. The most highly endorsed items are included below:

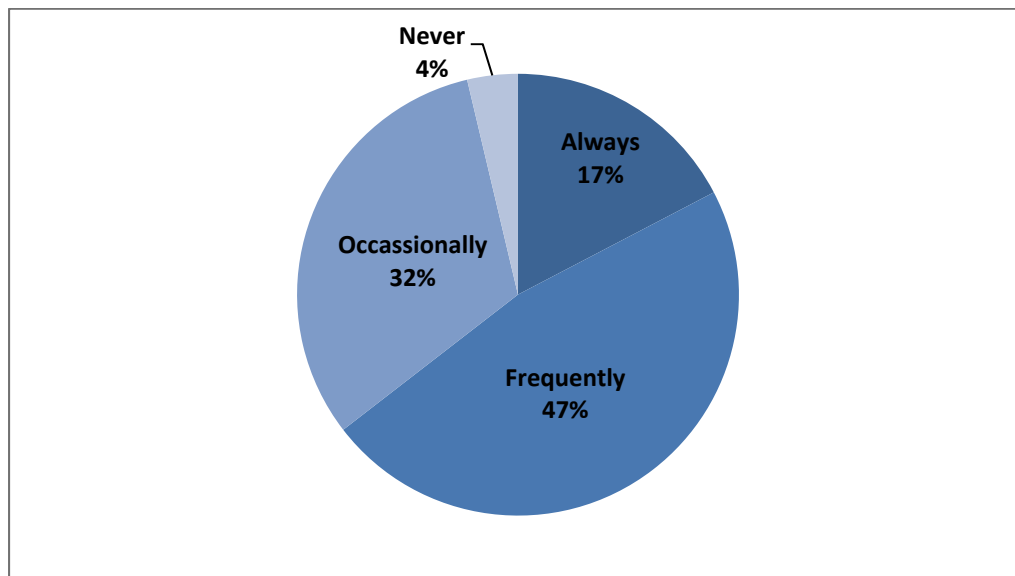
EJS helps me enhance victim safety by...

- obtaining greater and better factual information for consideration by the fact finder at different stages of criminal and civil proceedings
- identifying and referring victims to appropriate resources, including culturally appropriate services
- identifying cultural considerations and helping victims to improve their access to justice by overcoming potential cultural barriers
- examining my personal “blinding preferences” and avoiding to the extent possible inappropriate actions or inactions based on these preferences
- enforcing relevant federal and state gun laws
- making and enforcing decisions that help victims to evaluate and minimize danger from an abuser and to secure resources to promote the safety and stability of non-abusive family members

IMPACT #4: EJS HELPS JUDGES HOLD BATTERERS MORE ACCOUNTABLE AND ENCOURAGE CHANGES IN BEHAVIOR

The fourth question asked the participants if the training had helped hold batterers more accountable and encourage changes in batterer behavior. Again, the vast majority of judges indicated improvements in this area (see *Figure 17*).

Figure 17: Almost All Judges Indicated that EJS Helped them Hold Batterers Accountable



Respondents indicated that EJS helped them with batterer accountability and change in a number of ways, as follows:

EJS helps me hold batterers more accountable for their behavior by...

- differentiating how persons might use violence in different contexts, including for example classic battering (based on power and control) vs. fighting back as defensive measure
- identifying cultural considerations and taking culture into account when structuring appropriate sentences or civil remedies
- making and enforcing decisions that impose appropriate sanctions on batterers and overseeing their compliance with the court's orders
- ordering batterers to participate in appropriate intervention programs (BIPs) and overseeing their compliance with the courts' orders through review hearings or other enforcement mechanisms

SECTION SUMMARY

Overall, the reality checks completed during training and the post-survey supported the contention that participants are learning the objectives in the EJS program. The reality checks provided consistent feedback on keeping the segments as they were structured. Some judges (a minority) preferred to keep criminal and civil matters separate from each other in the segments. Some judges wished there was more time for discussion and other judges hoped for more breaks (a minority). Much of the feedback reinforced the design of the curriculum in order to have judges learn from each other (in the words of a participant, *“How important it is to listen to the other judges. We all deal with these problems, so it is very valuable to get someone else’s perspective – even when I thought I knew the answer!”*) as well as make each segment very interactive (in the words of a participant, *“I am very satisfied with the manner in which the sessions were run. I thoroughly enjoyed them and was disappointed when they ended! The interactive nature of the sessions is what makes them so effective”*). Follow-up results yielded some interesting findings. Judges’ ratings of their competence with DV cases indicated that they learned a lot, but also that they did not know as much as they thought prior to EJS. In addition, the vast majority of judges surveyed indicated that the program helped them in their work and endorsed a number of specific areas in which they felt the changes had taken place in their jurisdiction – both on the bench, their interactions with peer and their work in the community.

SECTION 5: CONCLUSIONS & RECOMMENDATION

This report provides an evaluation of a national judicial education program entitled “Enhancing Judicial Skills in Domestic Violence Cases” (EJS) that was funded by the US Department of Justice, Office on Violence Against Women and developed by the National Council of Juvenile and Family Court Judges together with the Family Violence Prevention Fund. This program has provided national educational opportunities for judges from across the US since 1999. This report focuses on the program provided on 12 different occasions to approximately 480 judges between 2006 and 2010. Prior evaluations demonstrated consistently positive ratings of the faculty and program, but there was little information about the judges who attended the program, their response to the various program segments or follow-up information about how judges utilized the educational opportunity upon their return to their work.

Overall, 341 judges completed the pre-workshop questionnaire comprised of 199 male and 142 female judges. Of the participants, 80% were Caucasian, and 9.5% were African American. The remaining judges identified themselves as Asian Americans (6 judges), Native Americans (8 judges) and Hispanics (8 judges). Half of the Judges worked in an urban center, one-third presided in a rural community and 12% indicated that their jurisdiction included both urban and rural communities. The judges came from all over the US with 43 different states presented. Wisconsin, Michigan, North Carolina, New Hampshire, New York, Washington and Texas had amongst the highest number of judges who attended.

The judges who attended were motivated to learn new skills in dealing with domestic violence cases. They report different levels of experience from being recently appointed up to presiding for many years and being more specialized in domestic violence cases. One in five participants saw themselves at an advanced stage of a career in trying to master skills for domestic violence cases. They had a range of visions for their future role that centered on access to justice, fairness and helping the families who appear before them getting access to community resources to end the violence. Most of the judges depended on local networks of judges and lawyer for networking and seemed to appreciate the opportunity to come to a national conference and learn from other jurisdictions. The judges identified a range of views about domestic violence at the outset which leaned towards needing more resources in their community, better coordination, a better understanding of diverse cultures and more effective interventions for perpetrators of domestic violence. Judges had considerable variability about their views of their role in the field. They agreed that judges need to ensure that an effective justice system is in place with appropriate resources in the community but differed on the need for judges to play a leadership role due to ethical considerations.

FINDINGS

Overall, the findings show that EJS is engaging and effective with its participants. Judges learn the information and skills being taught and can apply it to their work post-training. A number of specific key findings were outlined throughout this report and they are collated on the next page.

Key Evaluation Findings

1. Evaluation surveys completed between 1999 and 2002 indicate a high degree of satisfaction with the EJS content, format and facilitators.
2. Judge participants represent a diverse group in terms of tenure, demographics, and court assignments.
3. Pre-test surveys indicate a wide range of attitudes and learning needs among judges.
4. Before EJS training most judges considered themselves at a middle stage of career development with respect to handling domestic violence cases.
5. Judges' reflections on learnings for all segments during EJS match the stated program objectives very closely.
6. Across segments, most judges indicated that no changes were needed to improve the sessions. Some judges made minor suggestions.
7. In all segments, the opportunity to hear from other judges was an important part of the learning experience.
8. Judges appreciated the forum for discussing challenging ethical issues.
9. EJS helped judges develop a stronger role in coordinating / providing access to resources for diverse populations.
10. Not one judge indicated that the training was too long or inefficient; conversely, several suggested more time.
11. The number of judges who rated themselves as leaders in the field of DV cases (i.e., stage 3) quadrupled as a result of EJS training.
12. Judges overestimated their skills and competence with DV cases prior to EJS training. After EJS, they rated their starting level lower than they originally thought pre-training.
13. At 6 month follow-up the vast majority of judges identified specific benefits and behavior changes in the areas of access to justice, judicial leadership, victim safety, and batterer accountability as a result of participating in EJS.

LIMITATIONS OF THE EVALUATION

There were a number of limitations to the data collected for this evaluation. First and foremost, the follow up sample was a small proportion of those attending training. Second, the length of the follow-up survey resulted in some judges starting but not finishing the follow-up. Third, the combination of ratings and rankings used in different questions resulted in participant confusion and necessitated the discard of some of the quantitative data.

RECOMMENDATIONS

On the basis of the data collected, there is no compelling evidence to recommend significant changes to the content, structure, or approach of the EJS program. What is perhaps most noteworthy, is that the program appears to be effective for a widely diverse audience. It is a strength of the interactive, peer-focused nature of the program that it has something to offer for new judges as well as those with almost three decades of experience. However, as noted above, there are still gaps in terms of understanding what works for whom. As such, some of the recommendations are directed at refining further evaluation initiatives.

RECOMMENDATION 1

The EJS program is a valuable experience for judges and should continue to be offered in its current form.

RECOMMENDATION 2

A larger sample at follow-up would facilitate the identification of patterns of progress. For example, is there a group of judges who do not rate EJS as helpful and who do not make progress with respect to career stage? If so, is there something about their EJS experience that could be addressed? Because judges who did not find the EJS experience positive might be less likely to participate in follow-up surveys, it might be useful to **shorten the survey** and explore **incentives for participation**. Brief checklists could be developed on the basis of current open-ended answers (e.g., wishes for additional content such as cyber-stalking, mental health).

RECOMMENDATION 3

The Stress, Burn-Out and Vicarious Trauma segment of the workshop has emerged on the basis of the perceived needs of the learners, and was not included in this evaluation. Future evaluation efforts should include a few questions about this segment. It will be particularly important to assess the long-term impact of this segment, given that it is shorter and more didactic than the other segments.

RECOMMENDATION 4

The data collected in the evaluation of EJS provide a rich opportunity to research judges' attitudes and learning styles in general. Future evaluation efforts should consider obtaining consent to use these data for a variety of purposes beyond program evaluation (i.e., basic research purposes).

In summary, the vast majority of judges experienced the EJS as positive and valuable.

"This was probably the best or one of the best education experiences I have had."

They appreciated the peer-based learning and opportunity to work together with colleagues:

"How important it is to listen to the other judges. We all deal with these problems, so it is very valuable to get someone else's perspective."

They also enjoyed the interactive nature of the sessions:

"I am very satisfied with the manner in which the sessions were run. I thoroughly enjoyed them and was disappointed when they ended! The interactive nature of the sessions is what makes them so effective!"

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ABOUT THE AUTHOR

Peter Jaffe is a Professor in the Faculty of Education and Academic Director for the Centre for Research and Education on Violence Against Women and Children at the University of Western Ontario . He is the Director Emeritus for the Centre for Children and Families in the Justice System (London Family Court Clinic). Peter received his undergraduate training from McGill University in Montreal (1970) and his Ph.D. in Clinical Psychology from the University of Western Ontario (1974). For over 30 years, most of his research and clinical work has focused on women and children who have been victims of abuse and involved with the criminal, family and civil court systems. He has co-authored nine books, 25 chapters and over 75 articles related to children, families and the justice system. He has presented workshops across the United States and Canada , as well as Australia , New Zealand , Costa Rica and Europe to various groups including judges, lawyers, mental health professionals and educators. Since 1997, Peter has been a faculty member for the US National Council of Juvenile and Family Court Judges' program on "enhancing judicial skills in domestic violence cases". Peter has been an expert witness in two Ontario inquests into domestic violence and was appointed to the Joint Committee on Domestic Violence to provide advice to the Attorney General on the implementation of the jury's recommendations. He is a founding member of Canada 's first Domestic Violence Death Review Committee through the Office of Ontario's Chief Coroner. Peter has been honored by receiving several awards for his work, most recently the Order of Canada, which is the highest honor a Canadian can receive.

APPENDICES

Appendix A: Sample Results from Preliminary Evaluation (1999-2002)

Appendix B: Pre-Workshop Survey

Appendix C: Reality Check Form

Appendix D: Post-Workshop Survey

Appendix A: Sample Results from Preliminary Evaluation (1999-2002)

Table B1: Sample Evaluation of EJS Program 1999-2002 (1=Poor to 5=Excellent)

	May 1999	October 1999	December 1999	June 2001	May 2001	December 2001	November 2002	Total Average Composite Scores
Practical Courtroom Exercises	4.14	4.16	4.36	3.86	4.03	4.08	N/A	4.11
Victim and Perpetrator Behavior	4.25	4.03	4.19	3.93	4.22	4.08	4.6	4.19
Fact-Finding	4.16	4.13	4.15	3.78	4.14	4	4.5	4.12
Access to Justice	3.88	4.10	3.81	3.68	3.93	4.02	4.3	3.96
Fairness and Cultural Issues	3.64	4.43	3.96	3.87	4.47	4	4.6	4.14
Decision- Making and Enforcement	4.31	4.03	4.24	4.27	4.22	4.43	4.4	4.27
Faculty Ratings	4.47	4.48	4.41	4.25	4.46	4.48	4.8	4.48
Overall Ratings	4.49	4.19	4.38	4.18	4.76	4.25	4.7	4.38

Appendix B: Pre-Workshop Survey

ID:

NATIONAL JUDICIAL INSTITUTE ON DOMESTIC VIOLENCE

A joint project of the US Department of Justice, Office on Violence Against Women, the National Council of Juvenile and Family Court Judges, and the Family Violence Prevention Fund

ENHANCING JUDICIAL SKILLS IN DOMESTIC VIOLENCE CASES

Participants' Pre-Workshop Survey

Instructions: Below you will find a series of questions about your work as a judge handling domestic violence cases. Please answer each question to the best of your ability, complete the brief case hypothetical, and place the completed questionnaire in the box for Dr. Storberg-Walker when you register at the program. After you attend the workshop and return to your court, Dr. Storberg-Walker will send you a post-conference survey, very similar to this one, which will help to evaluate the impact of and relevancy of the Judicial Institute workshop on your work. *Note: Only Dr. Storberg-Walker will see the data on completed questionnaires and have the ability to link that data to individuals for follow-up survey purposes.*

A. Demographic Information

1. How long have you served as a judge?
2. Are you elected or appointed?
3. What is your current court assignment (e.g., criminal misdemeanor, family, civil protection orders, etc.) and how long have you served in that assignment?
4. What other types of courts have you served in, and for how long each?
5. Approximately what percentage of your time is devoted to cases that involve domestic violence?
6. Gender (circle one) M F
7. Race (please list) _____
8. Typical number of domestic violence-related cases handled during one week?

9. Community size (population served)?

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1

10. Urban/rural (circle one) Urban Rural

11. State (enter here) _____

12. What is the source of funds used to pay for your attendance at the Workshop (e.g., local OVW grantee, court, personal, combination of these)?

13. In your daily activities as a judge, what do you enjoy the most? The least?

14. Why are you attending the Judicial Institute EJS Workshop?

B. Networking Information

From each list below, please select your top 5 resources, and number them from 1 to 5 in order of importance (1 is most important):

1. Who do you turn to for help with DV issues? (top 5, numbered 1-5)

Resource

- Peer Judges in local area.....→ _____
- Peer Judges in regional area.....→ _____
- Peer Judges in national area.....→ _____
- National Council resources.....→ _____
- Attorneys.....→ _____
- Non-attorney Advocates.....→ _____
- Other court personnel.....→ _____
- Law enforcement personnel.....→ _____
- Bar association resources.....→ _____
- Other (please list and rank)
 - Other.....→ _____
 - Other.....→ _____

2. Who turns to you for help with DV issues? ((top 5, numbered 1-5)

Resource


- Peer Judges in local area.....→ _____
- Peer Judges in regional area.....→ _____
- Peer Judges in national area.....→ _____
- National Council resources.....→ _____
- Attorneys.....→ _____
- Non-attorney Advocates.....→ _____
- Other court personnel.....→ _____
- Law enforcement personnel.....→ _____
- Bar association resources.....→ _____
- Other (please list and rank)
 - Other _____→ _____
 - Other _____→ _____

C. Stages Information

Over the past 7 years of Judicial Institutes on Domestic Violence, we have found that judges come to us at different stages in their careers. The various stages can be considered along a continuum related to experience as a judge with cases involving domestic violence. The following descriptions represent one way to summarize these 3 stages of development:

- (STAGE 1) Some judges have been recently appointed or assigned to hear cases involving domestic violence. They are aware that DV is a serious problem and are trying to enhance their understanding of the dynamics in these relationships and to determine effective interventions.
- (STAGE 2) Some judges have been working in the field for a longer period of time and/or may have had exposure to DV cases as attorneys. These judges are trying to ensure that the resources needed by the parties are in place and better coordinated with the needs of the court.
- (STAGE 3) Some judges have a deep understanding of DV and have been involved as mentors to new judges in this area. They are playing leadership roles in their courts and/or communities in regards to DV. Many of these judges are concerned about maintaining sustainable progress in the justice system response to DV despite changes in personnel and funding over time.

Where to you see yourself along this continuum? (Circle one number, 1-7)

Stage 1		Stage 2				Stage 3	
							
1	2	3	4	5	6	7	

D. Case Study

Please respond to the questions following the hypothetical case information set forth below:

- Assume that four months ago you issued a civil protection order in response to a petition alleging that the respondent had beaten the petitioner several times in the past two years of their five year live-in relationship, the last time in the presence of the children, ages 4 and 5. During the last incident, respondent picked up a knife and told petitioner, "If you don't shut up, I will make sure you do." Your order at the hearing excluded the respondent from the parties' home, restrained him from further acts of abuse, and awarded the petitioner temporary custody of the children with supervised visitation to the respondent.
- Last week, the petitioner filed a request that the order be vacated because she intends to reconcile with her husband. She cites as her reason the fact that he has been voluntarily going to counseling for his abuse issues, paying adequate financial support for herself and the children, and regularly exercising his visitation rights. She says that the children are anxious to have their father back home, she is sure he has learned his lesson, and that he is safe to have back in the home.

1. What additional information, if any, would you want before you rule?

2. How do you rule and why?

1. In general, when victims and defendants appear in court, their behavior can mask what is really going on in the privacy of their home.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
2. In general, the court system has had a positive impact on the safety of victims (spouses and children).
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
3. In general, the court system has had a positive impact towards changing the behavior of batterers.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
4. In general, the batterer's intervention program in my community has been successful.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
5. In general, I often see an escalation of violence in DV cases that return to me over time.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
6. In general, I wish the coordinated response to DV (including court system, law enforcement, victim resources, probation, defendant resources) in my community would be more effective.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree

7. In general, I have seen satisfactory changes in perpetrator behavior in response to my rulings.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
8. In general, I have seen satisfactory changes in victim behavior in response to my rulings.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
9. In general, I am satisfied with the performance of the defense attorneys in my court.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
10. In general, I am satisfied with the performance of the prosecuting attorneys in my court.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
11. In general, for family law cases that may have a DV issue (e.g., dissolution, child custody), the evidence of DV is likely to be presented to me.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
12. In general, the code of judicial ethics prevents a judge from leading a coordinated community response to DV.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
13. In general, it is permissible for a judge to become involved in community activities in order to promote greater DV victim safety and perpetrator accountability.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
14. In general, judges know enough about the dynamics of DV to make effective rulings.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree
15. In general, judges appreciate the differences among diverse cultures represented in the parties before the court.
(Circle one)
Strongly agree Agree Neutral Disagree Strongly Disagree

F. Desires and Vision

If you could be granted any 3 requests (wishes) to enhance your knowledge, skills and effectiveness in dealing with domestic violence cases, they would be:

1.

2.

3.

My vision for my role as a judge in the community over the next 10 years could be summarized in the following sentence(s): (50 words or less)

Appendix C: Reality Check Form

Name (optional): _____

National Judicial Institute on Domestic Violence
Enhancing Judicial Skills in Domestic Violence Cases

HALF-DAY REALITY CHECK

Segment: _____

Date: _____ ☐ Morning ☐ Afternoon

*Please respond to the following questions. After writing your answers **firmly**, separate the copies and keep the yellow portion for your reference.*

1. What are the most important things you have learned in this segment?

2. How will you use this information when you return to work?

3. How would you change this segment next time to make it more relevant and helpful to your work?

Appendix D: Post-Workshop Survey

Enhancing Judicial Skills in Domestic Violence Cases

POST-WORKSHOP SURVEY

Instructions: Below you will find a series of questions about the Enhancing Judicial Skills workshop you recently attended. Please answer each question to the best of your ability and complete the brief case hypothetical. Each survey is completely anonymous, with no indicator to connect individuals to responses. *Note: Only Dr. Storberg-Walker will see the data on completed questionnaires.*

A. Demographic Information

1. How long have you served as a judge?
2. Are you elected or appointed?
3. What is your current court assignment (e.g., criminal misdemeanor, family, civil protection orders, etc.) and how long have you served in that assignment?
4. What other types of courts have you served in, and for how long each?
5. Approximately what percentage of your time is devoted to cases that involve domestic violence?
6. Gender (circle one) Female Male
7. Race (please list)
8. Estimated number of domestic violence-related cases handled during one week? (please give a specific number)
9. Community size (population served)?

10. Urban/rural (circle one) Urban Rural

11. State (enter here)

12. What was the source of funds used to pay for your attendance at the Workshop (e.g., local OVW grantee, court, personal, combination of these)?

13. In your daily activities as a judge, describe what you enjoy the most. The least.

14. Why did you attend the National Judicial Institute EJS Workshop?

B. Networking Information

From the items listed below, please select your top 5 resources, and number them from 1 to 5 in order of importance (1 is *most* important):

1. Before and after the EJS workshop, to whom do you turn to for help with DV issues? (specify top 5, numbered 1-5, with 1 highest)

<u>Resource</u>	<u>Before EJS</u>	<u>After EJS</u>
▪ Peer Judges in local area	_____	_____
▪ Peer Judges in regional area	_____	_____
▪ Peer Judges in national area	_____	_____
▪ National organizations	_____	_____
▪ Attorneys	_____	_____
▪ Attorney Advocates	_____	_____
▪ Non-attorney Advocates	_____	_____
▪ Other court personnel	_____	_____
▪ Law enforcement personnel	_____	_____
▪ Bar association resources	_____	_____
▪ Other (please list and rank)		
▪ Other _____	_____	_____

- Other _____
- Other _____

2. Before and after the EJS workshop, who turns to you for help with DV issues? (specify top 5, numbered 1-5, with 1 highest)

<u>Resource</u>	<u>Before EJS</u>	<u>After EJS</u>
▪ Peer Judges in local area	_____	_____
▪ Peer Judges in regional area	_____	_____
▪ Peer Judges in national area	_____	_____
▪ National organizations	_____	_____
▪ Attorneys	_____	_____
▪ Attorney Advocates	_____	_____
▪ Non-attorney Advocates	_____	_____
▪ Other court personnel	_____	_____
▪ Law enforcement personnel	_____	_____
▪ Bar association resources	_____	_____
▪ Other (please list and rank)		
▪ Other _____	_____	_____
▪ Other _____	_____	_____
▪ Other _____	_____	_____

C. Stages Information

Over the past 8 years of NJIDV Enhancing Judicial Skills Workshops, we have found that judges participate in the program at different stages in their careers. The various stages can be considered along a continuum related to experience as a judge with cases involving domestic violence. The following descriptions represent one way to summarize these 3 stages of development:

- (STAGE 1) Some judges have been recently appointed to the bench or assigned to hear cases involving domestic violence. They are aware that DV is a serious problem and are trying to acquire a more fundamental understanding of the dynamics in these relationships and to determine how the court can intervene effectively.
- (STAGE 2) Some judges have been working in the field for a longer period of time and/or may have had exposure to DV cases as attorneys. These judges have a solid understanding of DV dynamics and interventions. These judges are trying to ensure

that resources needed by the parties are in place and that resources are better coordinated to help the court respond more effectively.

- (STAGE 3) Some judges have a deep understanding of DV and have been involved as mentors to new judges in this area. They are playing leadership roles in their courts and/or communities in regards to DV. Many of these judges are concerned about maintaining sustainable progress in the justice system response to DV despite changes in personnel and funding over time.

**BEFORE the EJS program, where did you see yourself along this continuum?
(Circle one number, 1-5)**

Stage 1	Stage 2			Stage 3	
←					→
1	2	3	4	5	

AFTER participating in the EJS program, where do you see yourself along this continuum? (Circle one number, 1-5)

Stage 1	Stage 2			Stage 3	
←					→
1	2	3	4	5	

D. Case Study

Please respond to the questions following the hypothetical case information set forth below:

- Assume that four months ago you issued a civil protection order in response to a petition alleging that the respondent had beaten the petitioner several times in the past two years of their five year live-in relationship, the last time in the presence of the children, ages 4 and 5. During the last incident, respondent picked up a knife and told petitioner, "If you don't shut up, I will make sure you do." Your order at the hearing excluded the respondent from the parties' home, restrained him from further acts of abuse, and

awarded the petitioner temporary custody of the children with supervised visitation to the respondent.

- Last week, the petitioner filed a request that the order be vacated because she intends to reconcile with her husband. She cites as her reason the fact that he has been voluntarily going to counseling for his abuse issues, paying adequate financial support for her and the children, and regularly exercising his visitation rights. She adds that the children are anxious to have their father back home, she is sure he has learned his lesson, and that he is safe to have back in the home.
1. What additional information, if any, would you want before you rule?

How do you rule and why?

2. Do you have any role in this matter beyond issuing a decision? If yes, what would that role be?
3. Would you do anything with this case in addition to issuing a decision? If so, what and why?

E. Impact Information

Please respond to each of the questions below. We are seeking your perspective and experiences on how the EJS program contributes towards more effective judicial practice in domestic violence cases.

1. Do you think that the EJS program helps judges improve access to justice?

Never Occasionally Frequently Always

If never, please skip to question #2.

If occasionally, frequently, or always, in what ways does the EJS program help judges improve access to justice? (Rank order of appropriate ways; enter other ways on lines provided).

- _____ EJS helps judges identify and address cultural barriers that can impact access to justice, including due process protections.
- _____ EJS helps judges identify and control battering behaviors that can impede access.
- _____ EJS helps judges administer the court to improve access.
- _____ EJS helps judges contribute to a community response to domestic violence to promote better access.
- _____ Other (list):
- _____ Other (list):
- _____ Other (list):

2. Do you think that the EJS program impacts judicial leadership in communities?

Never Occasionally Frequently Always

If never, please skip to question #3.

If occasionally, frequently, or always, in what ways do you think that the EJS program helps judges exercise judicial leadership in communities, within the limits of code of judicial conduct (i.e., ethics limitations)?

- _____ EJS provides ideas and examples for engaging, appropriately and ethically, in judicial leadership activities.
- _____ EJS motivates judges to exercise greater judicial leadership.
- _____ EJS answers key, specific questions pertaining to judicial leadership.
- _____ EJS helps judges exercise greater leadership on the bench with respect to:
 - _____ examining and accepting pleas,
 - _____ warning of collateral consequences,
 - _____ evaluating adequacy of legal representation.
- _____ EJS helps judges determine whether to participate in extrajudicial activities like education, legislation, discussions with the media, etc., and how to do so ethically.
- _____ EJS connects judges with their colleagues to discuss and consider alternatives in resolving judicial leadership questions.
- _____ Other (list):
- _____ Other (list):

3. Do you think that the EJS program helps judges enhance the safety of victims of domestic violence?

Never Occasionally Frequently Always

If never, please skip to question #4.

If occasionally, frequently, or always, in what ways do you think that the EJS program helps judges enhance the safety of domestic violence victims?

- _____ EJS helps judges enhance victim safety by taking the following actions:
 - _____ obtaining greater and better factual information for consideration by the fact finder at different stages of criminal and civil proceedings.
 - _____ identifying and referring victims to appropriate resources, including culturally appropriate services.
 - _____ identifying cultural considerations and helping victims to improve their access to justice by overcoming potential cultural barriers.
 - _____ examining potential “blinding preferences” and avoiding to the extent possible inappropriate actions or inactions based on culture.
 - _____ enforcing relevant federal and state gun laws.
 - _____ making and enforcing decisions that help victims to evaluate and minimize danger from an abuser and to secure resources to promote the safety and stability of non-abusive family members.
 - _____ Other (list):
 - _____ Other (list):

4. Do you think that the EJS program helps judges hold batterers more accountable and encourage changes in behavior?

Never Occasionally Frequently Always

If occasionally, frequently, or always, in what ways do you think that the EJS program helps judges hold batterers more accountable and encourage changes in behavior?

- _____ EJS helps judges hold batterers more accountable and encourage changes in batterer behavior by taking the following actions:
 - _____ differentiating how persons might use violence in different contexts, including for example classic battering for power and control.
 - _____ identifying cultural considerations and taking culture into account when structuring sentences or civil remedies.
 - _____ making and enforcing decisions that impose appropriate sanctions on batterers and oversee their compliance with the courts’ orders.
 - _____ ordering batterers to participate in appropriate intervention programs (BIPs) and overseeing their compliance with the courts’ orders through review hearings or other enforcement mechanisms.
 - _____ Other (list):
 - _____ Other (list):