

# A MODEL FOR CURRICULUM DEVELOPMENT

## Introduction

What is meant by “curriculum”?

The term is frequently used to refer to the content which will be dealt with in a class or seminar. Yet it is important to make a distinction between “curriculum” and “teaching.” The short definition of each is that curriculum is “what you teach,” while teaching is “how you teach.” This is true, but to leave the definition at that level of simplicity is not particularly helpful for effective curriculum planning in judicial education.

In this chapter, **curriculum** is defined as *all the experiences provided by the institution or agency which are designed to foster student learning*.

According to this definition, then, the work the faculty does in the classroom is the heart of the curriculum. This view also takes into account the opportunities for learning which surround and relate to the formal sessions. For example, activities during a workshop or seminar -- such as social events, coffee breaks, and tasks faculty might ask learners to carry out before a workshop begins -- are seen here as important parts of the curriculum.

This chapter sets forth one model for curriculum planning and attempts to demonstrate where planning the content of courses, as well as the actual teaching, fits into curriculum development. One way to think about these and related terms are the following examples:

- B A judicial education agency has an overall judicial education *program*.
- B For each client group, the program develops a specific *curriculum*. For example, a curriculum might be provided for district judges, one for circuit judges, one for domestic relations commissioners, and one for court clerks.
- B Within each of these curricula are several *courses*, which is where the actual teaching occurs. For example, the state program might provide for its circuit court judges each year: one course on substantive legal education issues offered statewide and three courses in specialty areas offered on a regional basis.

Some activities (conferences, for example) are one-time, discrete events and are not a regular part of offerings of a judicial education agency. These are discussed in the chapter “An Approach to Conference Administration” in this manual.

In spite of the complexity of curriculum development, the process can be examined by asking seven basic questions:

1. What is the purpose of the curriculum?
2. What are the objectives of the curriculum?
3. How are the learning experiences to be selected and organized?
4. What are the objectives of the course?
5. What resources are to be employed, and how are time and space to be used?
6. What is the design of the learning activities?
7. How is the curriculum to be evaluated?

The model, made up of these seven questions, is adapted from approaches to curriculum development suggested by Bergquist, Gould, and Greenberg, 1981; Oliva, 1982; and Tyler, 1949. Questions 1-3 and 7 are addressed to the *curriculum* level, while questions 4-6 focus on concerns at the *instruction* level. Thus, the model illustrates the place of instruction within the larger context of curriculum development and shows the intertwining nature of the two.

The process of curriculum development is far more fluid and less sequential than one might infer from these seven questions. For example, while evaluation is presented last, issues related to that step should be dealt with throughout the entire process. Similarly, defining the purpose is the first step, but in fact, judicial educators should be guided in all of the steps by an awareness of the fundamental purposes of their programs.

The aim of this chapter is not so much to present final answers to these questions, but to present one rationale for ways they might be addressed. Discussion of the seven questions make up the remainder of this chapter.

## **Question 1: What is the Purpose of the Curriculum?**

This chapter takes the position that the most fundamental issue in curriculum planning is *purpose*. All subsequent considerations are shaped by how judicial educators define their purpose. Most discussions of purpose are oriented to the question, “What do judges need to know?” A veteran judicial

educator (Lawton, 1990, personal communication) has suggested a broader perspective: “When judges look at their responsibilities, I believe they are really asking two questions: what do I need to know? and what do I need to be able to do?”

This perspective expands the purpose from helping learners learn “in order to know” to include helping them learn “in order to do.” With this view, shared by Mentkowski (1990) and others in continuing professional education, learning “in order to know” is not set aside but is reconceptualized as a fundamental component of learning “in order to do,” not as an end in itself.

This reconceptualization has significant consequences for continuing professional education. Knowledge should not be thought of as something static and “out there” that faculty simply need to convey to learners. Rather, knowledge, or “truth,” is a result of a process of interactive teaching-learning activities in which learners and faculty work together to arrive at a corporate understanding. The reconceptualization also encompasses the view that learning is developmental; that is, as one learns, one develops more fully as a professional and as a person.

Consistent with this view, this chapter suggests that judicial educators consider the purpose of curriculum as helping judges and other court personnel develop the abilities they need in order to be excellent performers in carrying out their responsibilities.

## **Instrumental and Developmental Competence**

This “developmental” orientation to curriculum is grounded in two kinds of learning: (a) instrumental competence and (b) developmental competence. First, the curriculum should provide training so that judges can learn new information and further develop the practical skills they need to meet their day-to-day demands. For example, a course could help judges better understand the latest decisions of a state Supreme Court concerning procedures in taking a guilty plea. Here, learners work toward *instrumental competence* (Chickering & Havighurst, 1981), learning something because it has a practical payoff. In the example above, judges would be better able to follow carefully the guidelines set down by the courts in taking a guilty plea.

With the second type of learning, *developmental competence*, the curriculum provides activities which contribute to the development of judges in a broader fashion. An example would be a course which included opportunities for judges to reflect on their own values, thereby understanding how their values may influence the decisions they make in the courtroom. Judges could enhance their ability to seek justice and fairness for all parties. Chickering and Havighurst (1981) say that with developmental (or expressive) competence, the “payoff” is not so much a practical one which makes an immediate difference in a judge’s behavior in the courtroom, but is within the act of learning itself and is more subtle. Overtime, as judges carry out their responsibilities in the courtroom, they develop an increased capacity to distinguish between their own values and the dictates of the cases in which they have to rule.

The distinction between instrumental and developmental competence is helpful, but should not be pushed too far. At the fundamental level, they are not different things. Each one is bound up in the other. As professionals expand their instrumental competence, they are at the same time enhancing their developmental competence. Conversely, when they are increasing their developmental competence, they are also enhancing their instrumental competence.

For example, learning more about the correct procedure for taking a guilty plea (an instrumental task) contributes to judges' overall development as professionals. Becoming more aware of their own values and how values influence decisions (a developmental process) enables judges to carry out the practical tasks of their job more effectively.

Judicial educators should understand the linkage between instrumental and developmental competence. Most of the time and effort of continuing judicial education programs will no doubt be devoted to helping learners develop instrumental competencies through the acquisition of specialized knowledge (and that is appropriate). But a program that focuses solely in this area is essentially involved in training, not in the development of abilities.

Rather than thinking of some courses as instrumental and others as developmental, curriculum planners should build courses that address both competencies. Learning instrumental skills should contribute to the overall development of the learner. Engaging in developmental activities should make a contribution to the learner's instrumental competence. A curriculum is only developmental if courses are taught in ways that foster the enhancement of both instrumental and developmental competence.

### Three Approaches to Purpose

How does a program move from the purpose of helping learners develop key abilities to actually identifying and designing courses? It may be helpful to examine two of the most common curriculum models presently used in judicial education: "content-based" and "knowledge-based" models. We will then describe ways in which a developmental model differs from and goes beyond both of these models.

**Content-based model.** In a strictly content-based model of curriculum, the faculty focuses almost entirely on selecting content. Their main task is to prepare lectures. Such an approach can be appropriate if the course is responsive to the needs of the potential learners, if the faculty members teach so that the content is relevant to learners, and if the experience enables learners to better perform their courtroom responsibilities. And sometimes that is indeed the case.

Often this approach is poorly executed, however. The central question for the faculty becomes “What topics shall I cover?” rather than “What can I do to help learners develop the abilities they need?” Teaching can become merely “telling,” where the faculty member only conveys information to passive learners.

**Knowledge-based model.** Judicial education programs can take a giant step by moving from a content-based curriculum to a knowledge-based curriculum. This is the model advocated by many colleges of education and followed by most elementary and secondary schools, some college programs, and many continuing professional education programs.

A knowledge-based curriculum centers on the knowledge gained from the perspective of the learner. It places great emphasis on developing clear and sound learning objectives. By organizing the information to be learned into manageable objectives, planners can then design activities that help learners master the objectives. The planners can sequence the topics to be dealt with, can choose the appropriate teaching methods, and can select the necessary instructional resources. Through designing courses in terms of learning objectives, a curriculum becomes oriented to learning outcomes rather than simply “covering content.” However, a knowledge-based curriculum done poorly has major shortcomings. The central question becomes “What are the objectives of this course?” This emphasis on the development of objectives sometimes leads to reductionistic thinking on the part of planners (and learners). Knowledge becomes broken down into smaller and smaller pieces. Such a process conjures up the image of “gathering” knowledge similar to squirrels gathering nuts. The squirrel that gets the most nuts has the most knowledge.

Falling into reductionistic thinking frequently happens, even though all faculty and learners agree that programs should help learners to think more deeply, interpret data, and solve problems, rather than ask them to accumulate information. As Cervero (1989) phrased it, good continuing educational programs are those which help professionals learn “to take wise action.”

It is important, however, not to caricature knowledge-based curriculum and to denigrate its accomplishments. Thinking in terms of objectives and learning outcomes is a leap forward compared with content-based curriculum planning. A well-developed curriculum, with carefully devised objectives, can and does help learners do more than learn discrete facts. It helps them develop ways of thinking required for high performance.

**Developmental model.** A developmental curriculum model -- the approach discussed in this chapter -- in no way minimizes the need judges have for specific information and skills. It, too, is based on an assessment of learners’ needs, and it emphasizes helping participants learn the information they need in order to perform day-to-day tasks. It differs from content-based models and knowledge-based models in that it seeks to help participants learn practical information in the service of further *development of abilities* deemed necessary for outstanding performance.

In a developmental curriculum, the central question is “How can I help the learners engage with content in ways that help them develop the abilities they need to be excellent performers?”

## Question 2: What are the Objectives of the Curriculum?

The objectives of the curriculum are usually written in fairly broad terms. Examples include:

- B To help judges stay abreast of recent cases dealing with search and seizure.
- B To assist judges in developing their skills in courtroom management and administration, new legislation, case law, and rules.
- B To help judges understand the most recent cases in tort reform.
- B To assist judges with stress management.

Curriculum objectives should be set for a particular period of time. For example, a state that has a biennial legislative funding cycle may wish to develop curriculum objectives (and related budget plans to support the program) for that two-year period. The statement of objectives should be flexible, with the planning group making changes if necessary. Plans for the next period may use the earlier statements of objectives as a point of departure in deliberations.

## Sources of Objectives

There are two major sources which can be helpful in identifying objectives for the curriculum:

- B The learners themselves.
- B Experts in the law and related fields.

Numerous processes, informal and formal, can help discern topics and issues participants need to learn about. Members of the curriculum planning committee can draw on their conversations with judges in the field and their own observations of the problems courts encounter. For example, professional conferences such as state or national bar meetings are logical settings for such interaction.

In a more formal way, questionnaires can be used at the end of training sessions for judges to identify issues that future programs could address. Where resources are available, interviews with a sample of judges might also be conducted, allowing for a more in-depth look at learner needs and issues. The information gathered in this way is more contextual and can be used to illuminate questionnaire responses.

Committee members should also seek the views of subject-matter experts, such as professors of law and scholars in particular subspecialties of the law. They should also consult experts who can speak to the needs of society and community, perhaps researchers in criminal justice, medicine, and political science.

These two groups -- learners and outside experts -- have perspectives which are necessary for effective curriculum planning. The first group brings the “wisdom of practice.” Judges working daily in the courtroom can speak from the current demands of their positions.

Outside experts bring a vital perspective as well -- the “wisdom of specialized knowledge.” Because they do not work directly in the courts, they have a more detached view as they study trends and issues that affect the judiciary.

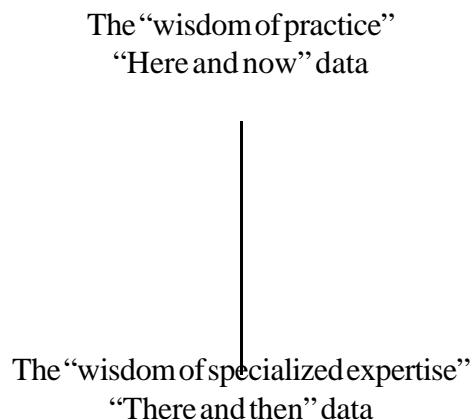
Good curriculum planning comes from an integration of the views of the learners themselves and of outside experts. Wise action in the courtroom flows from the integration of the wisdom of practice and the wisdom of specialized knowledge (see Figure 1).

Judges must have particular facts in hand, know relevant rules and procedures, see information in a larger context, and be able to use it appropriately. All of these must now be melded together in the selection and organization of the courses to be provided.

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Figure 1

### INTEGRATION OF TWO ESSENTIAL VIEWS



Adapted from Kolb, D. A. (1984). *Experiential learning: Experience as a source of learning and development*. Englewood Cliffs, NJ: Prentice-Hall, p.10.

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## Question 3: How are the Learning Experiences to be Selected and Organized?

Unlike school or college, continuing judicial education programs do not necessarily serve learners who enroll in a full set of courses within a particular curriculum. Planners and faculty cannot assume that learners are familiar with topics presented in previous courses. It is difficult for one course to build on another; therefore, individual courses must often stand alone.

Some programs deal with this issue by developing a “core curriculum,” a set of courses in which a cohort of judges would be enrolled over time. Where this can be done, judicial educators should pay particular attention to the need for *continuity*, *sequence* and *integration*. Where some sort of core curriculum is not practical, these three issues need to be dealt with at the course level.

Continuity refers to the reiteration and reinforcement of major concepts as learners move from one course to another. For example, exercises designed to help judges deal with gender bias might be used in an orientation course for new judges. Those exercises may be addressed again in another course on issues related to guardianship.



Sequence refers to arranging topics or questions in an appropriate order so they build on each other. For example, a course dealing with recent decisions in domestic cases might precede a course which addresses child support guidelines.

Integration refers to the need for linkages among the concepts within the curriculum so that learners get an increasingly unified understanding of how things fit together. For example, learners need opportunities to explore the connections between the problems of illegal drug sales, crime in public housing projects, and domestic violence.

## **Question 4: What are the Objectives of the Course?**

At this point, the curriculum model shifts to *instruction*, as questions 4-6 focus on planning at the course level. With respect to question 4, the objectives of a course serve as a framework to help the judicial educator or faculty member plan the course and to inform learners of the focus of the course. Objectives should convey what participants are to learn, not describe the activities of the faculty.

The development of objectives forces faculty to describe in concrete terms what they want the learners to learn in the course. Faculty can retain or eliminate objectives, based on their knowledge of the time allotted to them, the preparation and prior experience of the learners, and the resources available to do the job.

### **Types of Objectives**

Objectives should be written either in terms of “*learning outcomes*,” “*products*” (or performance) or “*processes*.” Objectives written as learning outcomes delineate what the learners are expected to learn. For example (in a class on constitutional criminal procedures): “Participants will be able to follow the correct steps in taking a guilty plea.”

Objectives written as products (or performance) describe what learners will produce as a result of the learning activity. For example (in a class on writing skills): “Participants will complete a set of writing samples that meet the approved criteria.”

Objectives written as process describe the focus of activities to be included in a course. For example (in a course on court management): “Participants will examine currently accepted methods for reducing delay.”

The advantage of learning outcomes objectives is that they focus on learning. The advantage of product or performance objectives is that they describe in unambiguous terms the end result. Used inappropriately, however, both run the risk of fostering reductionistic thinking.

The advantage of process objectives is that they provide a framework for a dialogue between learners and faculty. They take into account the fact that as the members of a group explore a topic together, they may arrive at understandings and insights that could not have been forecast. A possible disadvantage is that they can be written in such amorphous terms that neither faculty nor learners can be sure they have been achieved.

## **Question 5: What Resources are to be Employed, and How are Time and Space to be Used?**

### **Resources**

Resources include people, instructional materials, supplies and equipment. The primary resource in the course is the faculty member.

**Faculty resources.** There are a number of widely-agreed upon characteristics that faculty in judicial education should have, including:

1. Knowledge of content.
2. An understanding of adult learners.
3. The ability to select and use different teaching techniques to accomplish a variety of instructional objectives.
4. Skill in the use of overhead transparencies, flip charts, videotapes, and other instructional aids.
5. Confidence and skill in working with groups.

There are two additional criteria relevant to carrying out a developmental curriculum. First, faculty should understand the importance of helping learners integrate the wisdom of practice and the wisdom of specialized knowledge. Frequently this means that the faculty member should be a practicing judge. This is consistent with the inclination on the part of many judicial education programs to have “judges teaching judges.” Experienced practicing judges know the problems that their colleagues face, and they are able to relate to learners in ways that are practical.

However, a person skilled in the wisdom of practice but may not be skilled in the wisdom of specialized expertise. Sometimes a practicing judge can share with a group what he or she does in the courtroom but may not know the most recent court decisions on particular areas of the law.

In other instances, judicial educators call on law professors to serve as faculty, and they too can be excellent. Judges in judicial education programs sometimes complain, however, that the professors are not always practical and are too abstract. This is probably the flip side of the problem above: the instructor may be knowledgeable about the wisdom of specialized expertise but less so about the wisdom of practice. What is needed, of course, is faculty who have both.

Second, faculty should understand and be committed to a developmental approach to teaching and curriculum design. Their teaching should not simply cover content but should engage learners with content in ways that foster the abilities judges need.

**Staff resources.** All faculty do not have to possess all of the skills discussed here. If they have a rudimentary understanding of a developmental approach, their efforts can often be supplemented by others who work with the course. For example, a faculty member may be a good lecturer but less skillful and less comfortable with group processes. A person on the staff who is knowledgeable about teaching issues might work with the instructor in designing the course. Together they could ensure not only that lectures adequately convey helpful information but also that the course provides opportunities for reflection and discussion, for synthesis and analysis of material, and for testing concepts and principles in “real life” problem-centered exercises.

It is a truism that the most important learning sometimes takes place not in formal sessions, but in informal ones. A staff person could be very purposeful about interacting with learners outside of the program. He or she could “work the crowd” during breaks, meals, and recreation times to get interim feedback from the learners on the conference. The person could link people of similar interests and find out more about the learners in order to help the faculty member draw on participants’ professional experience in the sessions.

Resources other than faculty and key staff persons, such as the course coordinator, include the learners themselves. Collaborative learning should be emphasized as judges draw on their own experiences and perspectives, as well as on those of their colleagues in the course, to enrich the learning process.

**Instructional resources.** Instructional materials should be current and accurate. Not only should they be relevant, but they should be chosen to foster learner development. Select materials which create some disequilibrium in learners, so that they are challenged to push themselves to new ways of thinking. When balanced by appropriate support in a nurturing environment, participants are able to learn well and enjoy the experience at the same time.

Faculty should ensure the readability of articles and reports distributed. Proper use of visual aids, such as overhead transparencies, films, etc., is also very important.

## Time

Time refers to both the calendar (at the curriculum development level) and the clock (at the course development level). Courses should be scheduled at convenient times. Adequate attention should be paid to competing programs and seasons of the year for marketing and recruiting efforts to be successful.

At the course level, time has a powerful impact on the success of a seminar or workshop. It reflects, at a subtle level, the educator's views of how learning occurs. For example, in a course devoted almost exclusively to an expert "covering content," traditional 50-minute time blocks may make sense. But in a continuing judicial education curriculum oriented to the development of critical abilities, judicial educators need to rethink how the precious commodity of time is to be used.

A design that is more interactive may require time blocks other than 50-minute periods. Many programmers find that sessions which are an hour and a half or three hours in length often work well. Another alternative is to have fairly short blocks of time for full group sessions and then have learners work in small groups at other times during the day. Such an approach provides opportunities for learners to talk among themselves, sharing reactions to the program and exploring its relevance for their work at home.

## Space

How space is used also reflects the assumptions the faculty make as to how learning occurs. Straight, neat rows of chairs, all facing the front of the room, suggest that all the knowledge is embodied in the presenter and that the role of the learners is to absorb what the faculty member conveys. More flexible arrangements, such as the use of work tables for small groups or a large conference table for the full group, are powerful symbols. These convey the idea that the learners bring expertise which the faculty can draw upon and relate to more abstract principles.

## Question 6: What is the Design of the Learning Activities?

Sound theoretical frameworks to guide the design of learning activities are needed for a developmental model. Such a framework must meet two criteria. First, it must be practical, given the day-to-day demands on judicial educators. Second, it should provide concreteness for the abstract concept of "development," thereby making clear the idea of a developmental orientation to curriculum. David Kolb (1984) developed a theoretical framework, *experiential learning*, which meets these criteria and can be used as a guide in designing learning activities.

## The Experiential Learning Cycle

In Kolb's view, learning is a four-step process (see Figure 2). First, learners have a "*direct experience*," i.e., they actually do something. The phrase conveys the notion of direct contact, not an abstract experience. Next, "*reflections on experience*" occurs, where learners ask themselves: "What was that experience like?" "Have I ever had an experience like that before?" "Are there other ways to look at this experience?"

In the third step, learners develop larger principles, or generalizations, which help them explain and understand their experience and their reflections. This step is called “*authoritative knowledge*” and is the theory-building phase. Fourth, learners use the generalizations as guides to further action. In this “*application*” step, they try out what they have learned in the three previous steps of the experiential learning cycle.

At this point the circle is complete. Learners then have another direct experience, but this time at a more complex level, and the cycle continues.

### **The Vertical and Horizontal Axes**

Another perspective on learning presented by Kolb’s theory concerns the vertical and horizontal axes (see Figure 3). Kolb suggests that the first step in learning is to grasp or “take hold of” an experience.

Learners grasp an experience directly (through direct experience) or in a more detached way (through authoritative knowledge). This vertical line, of course, is the same as the one presented in Figure 2 and conveys the notion that direct experience generates “here and now” data, while authoritative knowledge generates “there and then” data.

Next, learners have to “transform,” or process, their experience. They do this through reflecting on experience, an internal way of thinking about an experience and seeing it from different angles; or through application, an external, active way of applying something learned.

## **Learning Styles**

A further perspective of Kolb’s learning cycle concerns four different learning styles adults bring to the learning process (see Figure 4). Kolb found that people grasp and transform experiences

differently; they have different *learning styles*. Persons who prefer to grasp experience through direct experience and transform it through reflecting on the experience are called *divergers*, so called because they think divergently. They tend to be people-oriented and creative, and they excel at brainstorming. They often have a background in the humanities or the arts.

Persons who learn through the second learning style, grasping experience through authoritative knowledge and transforming it through reflecting on the experience, are called *assimilators*. They are very good at assimilating disparate data into sound theories or principles. They enjoy dealing with theoretical abstractions and focus more on planning or research than on application. They often have a background in mathematics, physics or other areas of science.

The third learning style emphasizes grasping experience through authoritative knowledge and transforming it through application. Learners with this style are called *convergers*. They converge on a single, precise answer and enjoy applying theoretical notions to technical ideas and concerns. They frequently have a background in engineering, computer science, or the physical sciences.

In the fourth learning style, learners who prefer to grasp experience through direct experience and transform it through application are called *accommodators*. They are very good at adapting to the demands of a particular situation. They are often risk takers, are people-oriented, and frequently work in administration or sales.

The most effective learning experience is one in which learners engage with the information to be learned in all four modes of the cycle (direct experience, reflections on experience, authoritative knowledge, and application). Thus, this chapter recommends that judicial educators design learning activities “around the circle.” Such an approach stands in dramatic contrast to the way most courses are taught. The standard lecture format in which the instructor talks and the learner takes notes responds to just two of the four modes. As the instructor lectures, he or she engages learners in authoritative knowledge. As participants take notes and raise questions, they are involved in reflections on that knowledge. The Kolb theory would argue that this is an incomplete learning experience. Further, the format only plays to the strengths of one group, the assimilators.

The Kolb theory helps us see, from a theoretical and research point of view, what we know from day-to-day experience in continuing judicial education. Specifically, faculty members who concentrate almost solely on “covering content” engage learners on the vertical line (primarily the authoritative knowledge end) but do little to ensure that learners transform the information they have taken in.



## Using the Cycle in Teaching

How can Kolb's cycle be used in courses or workshops for judges? What follows is an example of how to take a course objective and engage learners "around the circle."

The objective, taken from a constitutional criminal procedures course, is: "Participants will be able to follow recent Supreme Court decisions on admissibility of evidence."

The class begins by engaging the learners in a direct experience. Three of the class participants play the roles of judge, the defendant's attorney, and the prosecuting attorney in a ten-minute role play, prepared earlier by the instructor. The "judge" must rule on the admissibility of evidence gathered in a search of the defendant's car. The script calls for the judge to carry out the task, but with two or three serious errors. The other learners observe the role play and take notes.

Next, participants in the audience jot down their reactions to the role play. The faculty member then leads them in a full group discussion, giving participants opportunities to share their reactions. The instructor highlights comments of agreement and disagreement within the class. In both the note-taking and the group discussion, the learners are engaged in reflections on experience.

The instructor then distributes a handout of the most recent court decisions on admissibility and the constitutional requirements for search and seizure. The instructor makes reference to what happened in the role play and to comments made in the group discussion. Through this process of engaging learners in the authoritative knowledge part of the cycle, the learners understand key principles and develop larger frameworks so they will be better able to apply the principles in the courtroom.

Next, another role play which contains only one or two subtle errors is observed. The task for the class is to apply the principles presented above and note any errors made on the part of the judge. With this application step, the process is complete.

**Benefits of using the cycle.** A traditional way of designing this class session would be for the faculty to present a lecture on recent court decisions on search and seizure. The lecture would be followed by questions from the learners on issues they did not understand.

Several significant benefits emerge from taking the more elaborate "around the circle" approach:

- B The learning experience is more effective than a traditional approach in that the learners are involved in activities in all four modes of the experiential learning cycle. They engage in both taking in experience and transforming it.
- B There is collaborative learning. Learners are able to share their experience and perspectives in the group's corporate search for understanding.
- B There is responsiveness to all of the learning styles in that there are activities which play to the strengths of each style.
- B Learners have the opportunity to integrate the wisdom of practice (i.e., insights gained from their own experience and watching the role play) with specialized knowledge (i.e., the theoretical notions presented by the instructor).
- B The activity is responsive to the need for continuity, sequence, and integration. Learners deal with the issue in all four modes of the cycle (continuity), with much reiteration and reinforcement of the concepts. Each of the four activities are sequenced, building on earlier ones, beginning with the simplest (the first role play in which the students observed and took notes) and ending with the most complex (the second role play in which the students applied what they learned). Integration is achieved through the final role play which brings together principles and a "real-life" situation.
- B The cycle provides a foundation for selecting teaching methods. Learners take in information on the vertical axis through direct experience (by methods such as case study, role play, films and by drawing on their own experience) and through authoritative information (by methods such as lecture, guest speakers, and reading). Teaching methods which represent work on the horizontal axis include group discussion, note-taking, and reflective papers (reflections on experience). Also, individual and small group exercises and papers help learners apply what they have learned.
- B This view of teaching demonstrates the efficacy of a curriculum oriented to learner development. Participants learn instrumental skills and become familiar with information. At the same time, they develop as persons, since the activities help them enhance their particular style and utilize the other styles as well.

## Question 7: How is the Curriculum to be Evaluated?

Having completed the teaching portion of the curriculum model (questions 4-6), our focus shifts back now to the curriculum level and evaluation. A variety of procedures can be employed to judge quality and to improve the curriculum. Refer to Chapter 8 in this manual for further information on evaluation.

Judicial educators have two important tasks in evaluation: (a) to gather data on the effectiveness of the courses and of the curriculum and (b) to interpret the data to improve the curriculum.

## **Gathering Data**

At the course level, there is an array of data to gather. Frequently, learners are asked to complete a written evaluation at the conclusion of a course. Questions may be included to evaluate:

- B The relevance of the content.
- B The appropriateness of the course design.
- B The effectiveness of the faculty.
- B The adequacy of the logistical arrangements such as registration, facilities, and food service.

There may also be questions concerning the learning itself. Participants can be asked to rate the extent to which they believe course objectives have been met. Judicial educators may also want the faculty to rate the extent they believe they were able to help the learners achieve each objective.

In a curriculum oriented to helping learners learn "in order to do" rather than simply learn "in order to know," the impact of the curriculum on job performance should be assessed. One technique for this is to ask a sample of learners to complete a follow-up questionnaire, perhaps six months after the course. They could be asked to describe ways the course has been useful to them in their work.

## **Interpreting Data to Improve the Curriculum**

The purpose of gathering these kinds of data is to enable judicial educators to make judgments about the effectiveness of the curriculum and to improve the planning and implementation of the courses. For example, the data may indicate that some of the curriculum objectives are inappropriate or that additional ones should be developed. The design of the courses may be deemed inappropriate to achieve the purpose and objectives of the curriculum. Some of the faculty may be replaced or encouraged to engage in professional development activities.

## **Summary**

This chapter has argued that curriculum planning for judicial education should be developmental in nature; that is, it should be planned and carried out not only to help judges master content, but to help them become outstanding performers in their roles.

Also, this chapter suggested that one model of curriculum planning involves seven basic questions concerning (1) purpose; (2) curriculum objectives; (3) the selection and organization of learning experiences; (4) instructional objectives; (5) resources, time and space; (6) learning activities; and (7) evaluation of the curriculum. It has also shown the intertwining nature of each of the seven questions and the need for consistency in the answers to them. Third, it suggested teaching needs to be done in ways that help learners integrate the wisdom of practice and the wisdom of specialized knowledge. Fourth, this chapter provided a detailed example of how courses can be designed in ways that help learners make this integration and has suggested the Kolb theory of experiential learning as one guide to such a design. The example given highlights the need for learners to be active and to draw on their own experience in the teaching-learning process.

## DEFINITIONS

***Continuity:*** a curricular term which refers to the reiteration and reinforcement of major concepts in a course or courses.

***Curriculum:*** all the experiences provided by the institution or agency which are designed to foster student learning.

***Developmental Competence:*** abilities that are broader in scope and less specific than instrumental competence. A person is motivated to develop such abilities not for a practical payoff but for the intrinsic reward such development brings.

***Instrumental Competence:*** practical ability. A person is motivated to learn such an ability for a practical payoff.

***Integration:*** a curricular term which refers to the linkages among concepts so that learners develop an increasingly unified understanding of how things fit together.

***Kolb's Experiential Learning Cycle:*** a theory of learning developed by David Kolb which depicts learning as a four step process:

- a. ***direct experience:*** learners “take in” an experience directly, i.e., they actually do something.
- b. ***reflections on experience:*** learners reflect upon the experience.
- c. ***authoritative knowledge:*** learners “take in” specialized knowledge through indirect means, such as through lecture.
- d. ***application:*** learners apply to “real life” situations what they have taken in and reflected upon in the three previous steps.

***Learning Style:*** a term that is used in educational literature to refer to a person's preferred way of learning. In the Kolb model, the term refers to a person's preferred way of “taking in” information and processing it. In this model there are four learning styles:

- a. ***divergers:*** persons who are good at brainstorming and coming up with new solutions to problems.

b. ***assimilators***: persons who excel at taking lots of data or information and assimilating it into a sound theory.

c. ***convergers***: persons who prefer taking technical or theoretical concepts and applying them.

d. ***accommodators***: persons who are good at working with people and implementing plans.

***Sequence***: a curricular term which refers to the arranging of topics, questions, or issues in such a way that they build on each other.

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