



DELIVERING COURT TRAININGS VIRTUALLY

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The pandemic has caused an overhaul and reevaluation of nearly every court practice and procedure. Court training is not exempt from this process, as many educational events have been canceled, and those that remain on the books have gone virtual through various videoconference platforms. Once court educators received their charge to take court education virtual, they encountered a related, but distinct challenge: Long before “Zoom fatigue” became a buzzword for court professionals, there was “Zoom resistance.” In this article, the process of diagnosing, alleviating, and evaluating resistance to virtual training will be discussed, using the qualitative and quantitative data acquired by the Court Leadership Institute of Arizona on the Zoom platform

(most of the procedures described in this article can also be accomplished on other virtual meeting platforms). Anonymous quotes from Arizona court employees will help illustrate the change that has occurred.

DIAGNOSING RESISTANCE TO VIRTUAL TRAINING

Part of the resistance stems from an unverified, yet strongly felt belief that virtual training is inferior to live, in-person training. This belief seems to arise from the common (but also unverified) intuition that virtual training is less engaging than its in-person equivalent, fostering an essential passivity among the atomized participants in a virtual training room.

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“Having never been terribly fond of online learning, and having never spent a great deal of time engaging in it, to say that I am skeptical is very much an understatement.”

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In addition to the practical challenges of taking in-person instruction virtual, court educators have encountered some resistance to the virtual classroom. In this article, the process of diagnosing, alleviating, and evaluating resistance to virtual training will be discussed using data acquired by the Court Leadership Institute of Arizona.

In the worst-case scenario, this sentiment undermines the project of virtual training. It takes significant effort to test and acquire virtual-meeting licenses, train faculty and staff in virtual best practices, and modify long-established curricula for the virtual environment. If the virtual classroom is filled with gridded rows and columns of faces multitasking through a seminar, or worse, faceless usernames lectured by a host struggling to give life to the feeble bullets of a PowerPoint slide, virtual education might not be worth the effort.

ALLEVIATING RESISTANCE TO VIRTUAL TRAINING

Fortunately, court educators can apply new lessons from the theoretical cornerstones that underpin national certification programs for judicial employees. In particular, court educators connected to the National Center for State Courts' Institute for Court Management (ICM) have been encouraged to adopt several elements of David Kolb's experiential learning cycle. Kolb emphasized "the central role that experiences play in the learning process" (Kolb, 1984: 20), such that "learning is a continuous process grounded in experiences" (p. 27), rather than serial episodes

of fact acquisition and recitation. Experiences are the raw material of education, formed into knowledge by various methods of reflection upon and consideration of personal experience. Pragmatist educator and reformer John Dewey summarized it in this way: "Reflection upon experience gives rise to a distinction of what we experience (the experienced) and the experiencing—the how" (1983: 173). The experiential learning cycle increases the opportunity and frequency of getting to that vital "how."

Long before the robust virtual trainings of the present day were even possible, thoughtful in-person trainings used the techniques of the experiential learning cycle. The learning experience for participants and faculty has been improved over time by introducing audio or video clips to enhance lectures, group activities that encourage broader participation, and scenarios for practical application of newly learned material. The challenge for court educators was to use the novel tools available to similarly deepen the experience of the virtual format. I will describe Arizona's attempts to do this, using the four components of Kolb's experiential learning cycle, and evaluation feedback that spoke directly to each attempt.



1) **Concrete Experience:** Modern court trainings rarely involve the sort of direct, tactile experience that was unquestionably foreclosed by the pandemic. Despite this, Leadership Institute faculty and curriculum developers worked to include hands-on interactions with court forms and web tools whenever possible. The annotation tool in one virtual classroom allowed participants discussing workforce management to highlight portions of a sample job description that were outdated, vague, or poorly worded, and write suggestions in the margins, with immediate feedback available from faculty and other participants. More recently, participants learning about caseload processes were able to see a statistical reporting module on a faculty's shared screen, as the faculty walked the participants through the module and showed how different variables interacted with each other. While these interactions were possible in pre-pandemic, in-person classrooms, it would have required individual worksheets and rather large projection screens with the clarity to display readable text to all in the room. The immediacy and clarity afforded in the virtual classroom was noted in Leadership Institute evaluations in a way it had never been for in-person training evaluations.



"I have asked a few times for the stats to be explained but it hasn't happened yet. So this will help immensely at our next supervisor meeting. Appreciated the caseload percentages and time frame in writing so it can be referred back to."



2) **Reflective Observation:** Court educators know that silence in a physical room is not necessarily a bad thing. It can be used to emphasize a key point, or to allow for assimilation of a complex or controversial idea. However, in the virtual environment, silence is confusing. Ever-present fears about technical troubles make every silent second more agonizing, with participants and faculty scrambling to check

their Internet speed and connection. Therefore, virtual Leadership Institute classes avoided pregnant pauses and reflection exercises during the virtual class day, and broke multiday ICM certification classes into more and shorter class days. Among the benefits of this revision was the chance to craft homework reflection assignments out of exercises that were previously contemplated individually when in-person. For example, participants were assigned to review their court's statement of values to see how it aligned with samples provided in class, and they researched recent mentions of courts in local media in the lead-up to a class debate on public perceptions of courts. These assignments helped participants to carry the momentum of one class day into the next, and assisted faculty and curriculum developers by allowing them to preserve and expand virtual class time in a creative way.



"It was a great class, I feel like I have retained and soaked in the information like I did when we were in person, and quite honestly, thought about the material between class days in a way that I never did when I went straight from the class building to the hotel."



3) **Abstract Conceptualization:** The material in ICM trainings can be dense, theoretical, and challenging. Many Arizona participants have noted to Leadership Institute staff that they sometimes have difficulty applying it to their jobs when they return to their respective courts. Previously, selected ICM courses in Arizona concluded with a multiple-choice assessment, to be completed before the participant returned to work. Because such an assessment would be logistically nightmarish to complete virtually, a short-answer essay assessment was introduced. One essay question was assigned to participants for every module covered in the virtual class, with an eye toward helping participants consolidate the knowledge they had acquired, and practically apply it to their past, present, and future

work. For example, an essay question in caseload management (a course that discusses court innovation in significant depth) asks participants to take what they learned and apply it to Arizona’s recently announced legal paraprofessional program, which provides licensure to nonlawyers to provide legal services in limited practice areas. The high quality of work produced by participants, as well as the positive feedback Leadership Institute staff has received from participants about the new assessment, has led the Leadership Institute to further study the possibility of converting all multiple-choice assessments to essay assessments.

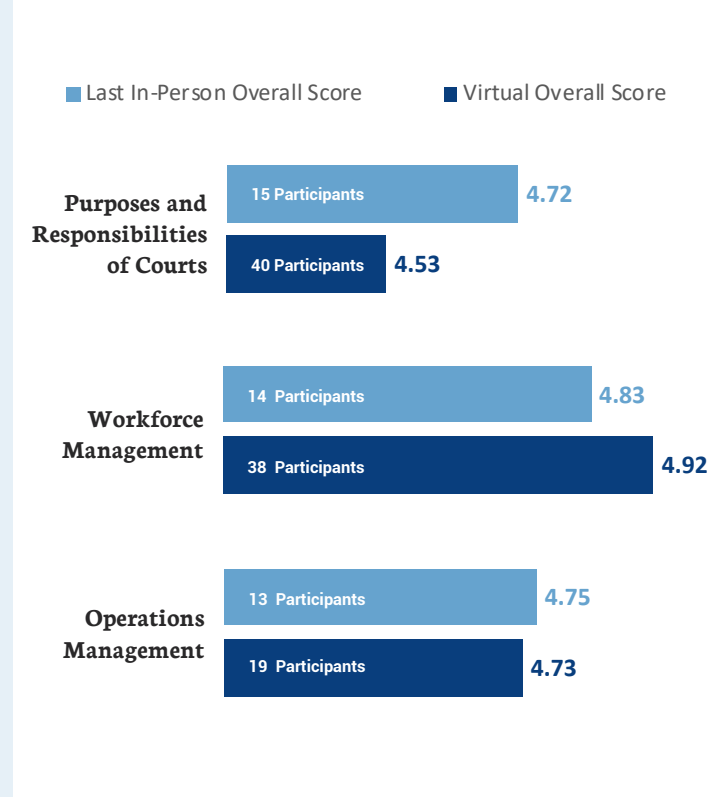
“I really enjoyed the class and doing the assessment this way! It was kind of stressful doing it right after class, when all I wanted to do was get on the road.”

“I enjoyed the training very much. It was insightful and I enjoyed the breakout sessions with the group. I was able to meet new people and got a chance to get to know their position.”

EVALUATING RESISTANCE TO VIRTUAL TRAINING

While Leadership Institute staff were confident of the theoretical rigor of the innovations and adaptations made in preparation for virtual instruction, the evaluation scores were ultimately going to be more telling of the overall success of the migration from in-person to virtual training.

FIGURE 1: IN-PERSON V. VIRTUAL TRAINING (OVERALL EVALUATION SCORES)



The measures in Figure 1 are based on a 5-point Likert scale.

4) **Active Experimentation:** Effective adult education is not merely a passing of information from the learned to the learner. If that was the case, how-to manuals and videos would have long ago replaced the in-person training session. When trainings are effective, they allow participants to consider new possibilities, and discuss those possibilities with their fellow participants, shepherded by faculty subject-matter experts. Virtual breakout rooms enabled this type of rich discussion, and even allowed for possibilities that in-person table groups typically do not. The virtual breakout rooms can be randomized, so that participants were consistently interacting with new peers from different courts with varied experiences. Notes can also be shared in the breakout room, so that the group does not lose time and focus asking the designated recorder to restate points previously made. Last, the separation from faculty (unless faculty assistance is requested) allows participants additional freedom, which can lead to more varied and creative responses to questions posed to the participant groups.

REFERENCES

Dewey, J. (1983). *The Middle Works, 1899-1924*. Vol. 13: 1921-1922 (J. A. Boydston, ed.). Carbondale: Southern Illinois University Press.

Kolb, D. A. (1988). *Experiential Learning: Experience as the Source of Learning and Development*. Englewood Cliffs, NJ: Prentice-Hall.

Early results indicate that there is no statistical drop-off in overall evaluation feedback for virtual coursework (see Figure 1). Qualitative feedback, which has been sprinkled throughout this article, was similarly positive. Even the constructive criticism focused more on ways to improve the virtual experience, indicating that participants were not merely “waiting out” the pandemic for a return to in-person instruction.

The main concern that arose out of Arizona’s first six months of virtual training was not the quality of instruction achieved through virtual training. Rather, it was recruiting a sufficient number of participants to justify the increased amount of work required to design, schedule, execute, and evaluate virtual trainings. Certainly, some of the drop can be attributed to the increased workload that the court managers, directors, and administrators who participate in Leadership Institute trainings have experienced. As we proceed with virtual court training into calendar year 2021, the Leadership Institute is more aggressively promoting its strong early results to potential participants, so that the full potential of virtual court training can be evaluated.

FINAL THOUGHTS

In retrospect, perhaps the initial resistance is not so surprising. Change management is a frequent topic in Leadership Institute trainings, as courts have grown and innovated at an incredible pace over the past few decades. Perhaps the court classroom was one of the few places outside of the courtroom that retained a similar character over the past several decades. There was continuity in the podium emblazoned with the court seal, in the well-worn tables and chairs, perhaps even in the smudged sign-in sheet and stale coffee on offer. The court classroom was a safe and familiar space, and court employees could calibrate accordingly when they entered it. The pandemic took that familiarity away from us, and an adjustment period was necessary. In Arizona, we have adjusted with a virtual course plan based in sound educational theory, whose effectiveness is measured through rigorous evaluation standards. In this way, we hope to convince skeptics to give the virtual classroom a fresh look in the short term and to leverage this powerful new tool to enhance the development of court education in the long term.

