

# Motivations, Barriers, and Impact of Continuing Judicial Education: A Survey of U.S. Judges

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The journey to the bench is unique for every judge. For most, however, a position on the bench is preceded by law school, the bar exam, and a career as an attorney. Through these experiences, judges are expected to become knowledgeable about the responsibilities and duties that come with their new role. In fact, common-law judiciaries, such as the United States, are built on the assumption that legal practice is the best preparation for being a judge.<sup>1</sup> Still, many judges might feel as if they are not fully prepared. Unlike judges in civil-law countries, who undertake specialized coursework in judicial studies from the earliest stages of their careers, judges in the United States typically “[take] the oath, [step] onto the bench, and [proceed] to fill the judicial role as if born in the robe.”<sup>2</sup> As one judge put it, “[B]ecoming a federal judge is like being thrown into the water and being told to swim.”<sup>3</sup>

Judicial training and continuing education provide opportunities for judges to both obtain and maintain the necessary skills, knowledge, and attitudes essential to successfully fulfill their roles. Judicial education is designed to improve judicial performance by preparing new judges for performing their duties, promoting greater consistency in judicial decisions, and updating judges in new methods, laws, and other knowledge.<sup>4</sup> Although the purpose of continuing education for judges is clear, our understanding of judges’ perceptions of continuing education (CE) is far more murky. Very little is known about judges’ motivations for judicial education and the perceived impact that it has on their abilities and competencies as a judge. In addition, there is a need to understand the barriers that prevent judges from attending CE courses to address them and promote continuing education for judges. Therefore, the present study looks to understand the experiences of U.S. judges when it comes to CE. Using a national survey of U.S. judges, we asked judges to evaluate their experiences with their most recent CE course at a national institution for judicial education, report their motivations for attending the course, report the biggest barrier they face

when attending CE courses, and evaluate the impact that their most recent course has had on their abilities as a judge. The results of this study are informative to judges, judicial educators, and stakeholders in the legal system as a whole.

## HISTORY OF JUDICIAL EDUCATION

The first continuing education program for judges in the United States was held in 1956 by the Institute of Judicial Administration.<sup>5</sup> Shortly after, in 1961, the American Bar Association joined the American Judicature Society to create the Joint Committee for the Effective Administration of Justice.<sup>6</sup> Chairing this committee was United States Supreme Court Justice Tom C. Clark, who, along with the committee, determined that judging was sufficiently different from lawyering and warranted specialized judicial education.<sup>7</sup> This determination led to the development of the National College of the State Judiciary in 1963, which later became The National Judicial College (NJC).<sup>8</sup> Shortly thereafter in 1967, Congress established the Federal Judicial Center (FJC), which provides continuing education to federal judges.<sup>9</sup> In 1975 the National Association of State Judicial Educators (NASJE) formed with the goal of “improv[ing] the justice system through judicial branch education.”<sup>10</sup> Today, state-based judicial institutions (e.g., the North Carolina Judicial College) and national institutions (e.g., National Center for State Courts) promote the rule of law by educating our nation’s judiciary.

## PURPOSE OF JUDICIAL EDUCATION

The National Association of State Judicial Educators has established eight goals for judicial branch education: (1) Help judicial branch personnel acquire the knowledge and skills required to perform their judicial branch responsibilities fairly, correctly, and efficiently; (2) Help judicial branch personnel adhere to the highest standards of personal and official conduct; (3) Help judicial branch personnel become leaders in service to their communities; (4) Preserve the judicial system’s fairness,

## Footnotes

1. Lenore Alpert, Burton M. Atkins & Robert C. Ziller, *Becoming a Judge: The Transition from Advocate to Arbiter*, 62 JUDICATURE 325, 325-26 (1979).
2. Emily Kadens, *The Puzzle of Judicial Education: The Case of Chief Justice William de Grey*, 75 BROOK. L. REV. 143, 143 (2009).
3. Robert Carp & Russell Wheeler, *Sink or Swim: The Socialization of a Federal District Judge*, 21 J. PUB. L. 359, 374 (1972).
4. Cheryl Thomas, Review of Judicial Training and Education in Other Jurisdictions 1, 15 (2006), [http://www.retawprojects.com/uploads/judicial\\_training.pdf](http://www.retawprojects.com/uploads/judicial_training.pdf) (last visited June 15, 2020).
5. Delmar Karlen, *Judicial Education*, 52 A.B.A. J. 1049, 1050 (1966).
6. A Legacy of Learning, The National Judicial College, <https://www.judges.org/about/the-njc-experience/history/> (last visited June 15, 2020).
7. Judge William F. Dressel, *Crystal Ball with Rearview Mirror: Perspective on the Art of Judging in the 21st Century*, 48 JUDGES’ J. 34, 35 (2009).
8. *Id.* at 35.
9. See Tom C. Clark, *The Federal Judicial Center*, 6 ARIZ. ST. L. J. 537, 537 (1974).
10. About NASJE, National Association of State Judicial Educators, <http://nasje.org/about/> (last visited June 15, 2020).

integrity, and impartiality by eliminating bias and prejudice; (5) Promote effective court practices and procedures; (6) Improve the administration of justice; (7) Ensure access to the justice system; and (8) Enhance public trust and confidence in the judicial branch.<sup>11</sup>

To satisfy these goals, judicial education often focuses on substantive legal and social issues. However, scholars and judicial educators have recognized that this narrow focus is insufficient.<sup>12</sup> Judicial education should also serve to develop judges' character and integrity, decision-making ability, critical thinking, and interpersonal skills.<sup>13</sup> Thus, judicial education today focuses broadly on four content areas: (1) substantive legal knowledge; (2) judicial and technical competence; (3) character, civility, and ethics; and (4) personal growth and development.<sup>14</sup>

## JUDICIAL CONTINUING EDUCATION REQUIREMENTS

At the state level, most judges are required to fulfill continuing education requirements. In fact, in 45 out of 50 states, state-court judges are required to obtain varying amounts of continuing education.<sup>15</sup> Most states have continuing judicial education (CJE) requirements, that is, continuing education requirements that are specifically required for judges and are mandated by court rule<sup>16</sup> or state statute.<sup>17</sup> However, many states do not have CJE requirements for judges, but instead have mandatory continuing legal education (CLE) requirements, which apply to all members of the state bar association, including judges.<sup>18</sup>

The amount and type of continuing education (CE) that a judge is required to obtain depends on the state in which they reside. Table 1 depicts a breakdown of the required average annual hours of CE for judges. On average, states require 12 hours of CE annually for judges. However, there is a wide range in requirements with five states having no requirement of CE for judges, and one state requiring 30 hours of CE annually. In addition to annual hours of CE, many states have additional requirements, such as required coursework in judicial ethics or profes-

sionalism,<sup>19</sup> education requirements at state judicial institutions,<sup>20</sup> and education requirements for the first year after initially taking the bench.<sup>21</sup> See Figure 1 in Appendix A for a display of the average annual hours of CE required for judges in every state.

**TABLE 1**  
**ANNUAL CONTINUING EDUCATION (CE)**  
**REQUIREMENTS FOR JUDGES AT A GLANCE**

Average Annual Hours of Continuing Education	Number of States
No CE Requirement	5
1-9 hours	3
10-14 hours	21
15-19 hours	17
20+ hours	2
Other CE Requirement <sup>22</sup>	2

Despite having vastly different CE requirements for judges by state, many judges face the same obstacles when trying to fulfill these requirements. In many states, there are no rules governing release time, and judges must request time (and funds) from their judicial superiors on a case-by-case basis.<sup>23</sup> This process can be problematic when financial issues affect states or jurisdictions, such as when a 2003 financial crisis<sup>24</sup> resulted in cuts to judicial education.<sup>25</sup> In addition to funding and time, geographical distance from educational institutions can make attaining judicial education difficult, especially for judges who preside over courts in remote or rural areas.<sup>26</sup>

## OVERVIEW OF STUDY

The goal of the present survey was to understand judges' views and experiences with continuing education (CE) at a

11. See National Association of State Judicial Educators, Principles and Standards of Judicial Education 1, 4 (2001), <http://nasje.org/wp-content/uploads/2011/05/principles.pdf> (last visited June 15, 2020).

12. Charles S. Claxton, *Characteristics of Effective Judicial Education Programs*, 76 JUDICATURE 11, 12 (1992).

13. National Association of State Judicial Educators, *supra* note 11, at 4.

14. Patricia H. Murrell & Philip D. Gould, *Educating for Therapeutic Judging: Strategies, Concepts, and Outcomes*, 78 REV. JUR. U.P.R. 129, 144 (2009).

15. All states require some form of continuing education for judges except in Connecticut, Massachusetts, Maine, South Dakota, and Vermont.

16. Nebraska (Neb. Ct. R. 1-503) and California (Cal. Ct. R. 10.462) are two of many states with educational requirements mandated by court rule.

17. Pennsylvania (Pa. Code § 31.4 (2017)) and Texas (Tex. Code § 56.006 (2007)) are two of a handful of states that mandate CJE through state statute.

18. Louisiana (La. Ct. R. XXX(3)) and New Jersey (N.J. Ct. R. 1:42) are two states that have mandatory continuing legal education requirements that apply to judges.

19. For example, Florida requires 30 hours of CJE every three years, and 4 hours must pertain to judicial ethics.

20. For example, the Judicial College of Maryland serves as the primary

entity through which judicial education is provided to judges, magistrates, and commissioners in the state of Maryland.

21. For example, the state of Georgia requires new judges to attend the Institute of Continuing Judicial Education in-state program of instruction for new judges within one year of assuming office. New judges are also encouraged to attend a nationally based basic course for general jurisdiction trial judges.

22. Michigan and New Hampshire have unique continuing education requirements for judges. Michigan requires all judges to "take judicial education leave of 2 weeks every 3 years to participate in continuing legal education and training at Michigan judicial training programs and nationally recognized judicial education programs." New Hampshire requires judges to "attend at least one in-state, regional, or national educational program approved by the Administrative Judge of the Circuit Court every year."

23. Thomas, *supra* note 4, at 24.

24. It stands to reason that more severe crises have impacted judicial education much more than the relatively short-lived crisis of 2003, such as the 2008 Great Recession. However, to our knowledge, this is the only instance documented in the literature where macroeconomics had a detrimental effect on judicial education.

25. Thomas, *supra* note 4, at 20.

26. *Id.* at 111.

national institution. To get a sample of judges from all parts of the U.S., we chose to conduct our survey at the National Judicial College. NJC is a national judicial education institution that educates thousands of judges from around the country annually. Therefore, NJC provided us an opportunity to survey a variety of different kinds of judges from nearly every state across the country. Although this study does not consider all experiences of judicial education that exist throughout the various states, we believe our research will be able to speak to judges' experiences with judicial education more generally.

To draw meaningful comparisons, we chose to make comparisons between two subgroups of judges, one-time attendees and frequent attendees. One-time attendees were judges who attended one CE course at NJC within the past 15 years, while frequent attendees were judges who attended two or more courses at NJC in the same time frame.<sup>27</sup> The distinction between these subgroups was made because it reflects a potential difference in commitment to judicial education. Attending a course is costly in terms of time and money. Whereas many jurisdictions require new judges to take a single "general jurisdiction" course when they join the bench, typically any additional tuition-based course that judges take at a national institution, such as NJC, reflects a willingness to invest resources in training from a national perspective. (Almost all states allow CE requirements to be fulfilled in other ways.) Hence, our survey design distinguished between one-time attendees and frequent attendees to understand how these differences in commitment to continuing education are related to perceptions about CE.

## METHOD

### PARTICIPANTS

Using a stratified random sample, an online survey was emailed to judges who attended continuing education courses at NJC between 2003 and 2018. With course-taking data available from 2003 to 2018, we defined frequent attendees as judges who had attended two or more tuition-based courses during this time period. By contrast, we defined one-time attendees as judges who had attended a tuition-based course once between 2006 and 2015, and who had not taken any additional courses after 2015.<sup>28</sup>

To get a representative sample of each of these subgroups of judges, the sample was stratified based on geographic region (e.g., northwest, southwest, northeast, etc.) and recent course type (i.e., general, advanced, specialty). In other words, within the subgroup of one-time attendees and frequent attendees, our sample represented all regions of the U.S. (48 states were repre-

sented) and all different levels of courses taught at NJC. In total, we identified a total of 973 judges who were invited to participate in this survey. A majority of these judges were general jurisdiction judges; however, we also surveyed limited jurisdiction judges, appellate judges, administrative law judges,<sup>29</sup> and tribal court judges, among others.

Data collection took place in March and April of 2019. A total of 361 judges (37% response rate) responded to our survey; however, only 320 judges provided sufficiently complete responses with 194 frequent attendees (60%) and 126 one-time attendees (40%) responding. Frequent attendees took an average of 3.5 courses (range 2-15) during this time period, while one-time attendees took 1 course. On average, judges had 14 years of experience on the bench (range 2-38 years). See Table 2 for a full demographic description of our sample.

### PROCEDURE

Judges who wished to participate in our study were directed to the online survey platform, Qualtrics. Upon providing their consent, judges were then asked to answer questions related to their past experiences with CE courses at a national institution. Judges reported their evaluations of their most recent CE course, their motivations for attending CE courses, the barriers that prevent them from attending CE courses, as well as the impact of CE courses on their job. In addition, judges were asked to report both demographic information as well as information about their career as a judge. (The survey also included other variables, not reported here, that are outside the scope of this study.)

## FINDINGS

### CE COURSE EXPERIENCE

Using one question each, judges evaluated four different aspects of the most recent CE course they had attended at NJC. When judges were asked to rate their agreement with attitude statements, they did so on a 5-point Likert scale where 1 represented *strongly disagree* and 5 represented *strongly agree*. Judges reported favorable evaluations of the course materials ( $M = 4.58$ ,  $SD = 0.65$ ), the course instructors ( $M = 4.70$ ,  $SD = 0.59$ ), and the opportunity to connect with other judges ( $M = 4.69$ ,  $SD = 0.61$ ). In addition, judges also said that the course was worthwhile ( $M = 4.68$ ,  $SD = 0.60$ ). Frequent attendees and one-time attendees did not significantly differ in their evaluations on most of these items. However, frequent attendees ( $M = 4.64$ ,  $SD = 0.61$ ) were more likely than one-time attendees ( $M = 4.48$ ,  $SD = 0.70$ ) to agree that the course materials met their needs,  $F(1, 316) = 4.50$ ,

27. In our survey and discussions of courses, we focused solely on tuition-based courses at the NJC. The NJC offers many free online webinars, podcasts, and self-study courses that may also be considered CLE; however, these free educational offerings are qualitatively different in terms of costs and time commitment.

28. Course-taking data were available from 2003 to 2018. We recruited judges who had attended a tuition-based course at least once between 2006 and 2015. We defined one-time attendees as judges who only attended a course once during this period, but not before and not after this period. We defined frequent attendees as judges who had attended *at least* one course between 2006 and 2015, but who may have also attended a course before 2006 and after 2015,

for a total of *at least* two courses between 2003 and 2018. This approach to defining one-time attendees and frequent attendees ensured that there was substantial overlap in the courses that both groups had taken. Whether frequent attendees had taken their most recent courses between 2006 and 2015, or as recently as 2018, did not result in any discernible differences. Therefore, all frequent attendees were combined into a single group.

29. Administrative law judges are a unique group of judges who do not have the same CE requirements as state-court judges. Despite the differences in education requirements, administrative law judges did not respond differently across any questions reported in our study and were therefore included in all analyses.

**TABLE 2**  
**DEMOGRAPHIC INFORMATION OF JUDGES SURVEYED**

		Total (N=320)	Frequent Attendees (N=194)	One-time Attendees (N=126)
<b>Gender</b>	Male	192	110	82
	Female	124	81	43
<b>Race/Ethnicity</b>	American Indian/Alaskan Native	12	11	1
	Asian/Asian American	4	3	1
	Black/African American	26	13	13
	Hispanic/Latinx	21	18	13
	Native Hawaiian/Pacific Islander	2	2	0
	White/Caucasian	245	143	102
	Other	10	7	3
<b>Type of Judge</b>	Administrative Law	60	46	14
	Appellate	13	7	6
	General Jurisdiction	161	91	70
	Limited Jurisdiction	49	31	18
	Tribal Court	10	7	3
	Other	24	9	15
<b>Most Recent Class Type</b>	General	81	24	57
	Advanced	87	62	25
	Specialty	152	108	44

*Note.* Some judges failed to report demographic information so numbers do not always add up across rows and columns.

$p < .05$ . Overall, judges reported very positive experiences with CE, which seem to suggest that they would be willing to repeat the experience. However, based on the perceived relevance of the course materials, the data imply that those who returned repeatedly seem to consider what they learned more pertinent to their needs, even when the observed difference was rather small.

## MOTIVATIONS

To better understand judges' motivations for attending CE courses at a national institution, they were asked, "For what purpose did you take your most recent CE course?" by choosing from one of four response options, with multiple selections permitted. Judges were most motivated by their own professional growth (80%), followed by fulfilling a requirement (20%), following a recommendation from a colleague (18%), and "other" (7%). Motivations for CE did not significantly differ between demographic characteristics such as race and gender. However, a chi-squared test of independence showed that frequent attendees and one-time attendees had significantly different motivations for attending their most recent CE course. Frequent attendees (86%) were significantly more likely than one-time attendees (69%) to report professional growth as a motivation for attending a CE course, ( $\chi^2 (1, N = 320) = 13.54, p < .001$ ). On the other hand, one-time attendees (26%) were significantly more likely than frequent attendees (16%) to report fulfilling a judicial education requirement as a motivation for attending a CE course, ( $\chi^2 (1, N = 320) = 4.98, p < .05$ ). In addition to fulfilling a requirement, one-time attendees (24%) were significantly more likely than frequent attendees (13%) to be motivated to attend a CE course because they were following a recommendation from a colleague, ( $\chi^2 (1, N = 320) = 5.73, p < .05$ ).

These results provide evidence that judges have different motivations for attending CE courses. One-time attendees were significantly more likely than frequent attendees to be motivated by fulfilling a requirement or following a recommendation, while frequent attendees were significantly more likely than one-time attendees to be motivated by professional growth. These differences suggest that some judges are motivated to seek out a national institution to develop professionally, keep themselves up to date, and continually seek to learn more above and beyond any minimum requirements. On the other hand, there are judges who only seek CE from a national institution to fulfill a specific requirement or take advantage of a specific course offering (presumably because the opportunities to take a specific course or fulfill a specific requirement in their home state are limited or have been previously completed). Whereas it is tempting to interpret these results as evidence for different levels of motivation, we hasten to point out that one-time attendees may very well access opportunities for judicial education in their home states or at other national institutions, which was not assessed in the present survey.

## BARRIERS

Judges were asked: "What is the biggest barrier preventing you from attending continuing education (CE) courses?" and responded by selecting one of five response options. Results showed that a majority of judges (57%) agreed that funding was the biggest barrier preventing them from attending CE courses. A large portion of judges (28%) reported that getting time away from the bench was the biggest barrier preventing them from attending CE courses. Less-common barriers reported by judges included that CE course content is not applicable (5%), family



responsibilities (3%), and “other” (7%). There were no appreciable differences between one-time attendees and frequent attendees when it came to barriers to CE. There were also no significant differences between judges of different race or gender.

Judges overwhelmingly reported that funding and time away from the bench were significant barriers for obtaining continuing education at a national institution. These barriers have been reported previously,<sup>30</sup> yet continue to be a concern for judges who seek to both fulfill their educational requirements and develop professionally. These barriers might be the result of systemic issues in the way that jurisdictions approach judicial education.

In most jurisdictions, judges must request both funding and time away from the bench from their judicial superiors (e.g., chief judge) to obtain CE at a national institution. Most jurisdictions do not set funds aside for judicial education.<sup>31</sup> Instead, continuing education funding for judges is based on availability and is therefore not guaranteed. Additionally, state statutes and court rules typically do not describe how judges’ dockets should be handled when judges are absent for continuing education. These factors have led judges to seek more flexible forms of CE that, in some cases, may trade quality for convenience.

Obtaining education at national institutions is often more costly in terms of funding and time due to geographical distance from where judges reside. There are often less costly alternatives in judges’ home states; however, state educational offerings can be more limited in scope and do not provide judges the opportunity to learn from colleagues (i.e., other judges) outside of their state or jurisdiction. Additionally, online self-study and webinars/webcasts are other applicable forms of CE, though these experiences might not be a suitable form of instruction for all judges given differences in preferred learning styles and comfortability with web-based instruction. In fact, a recent survey reported that, in the context of trauma education, judges and judicial educators much preferred in-person instruction to webinars or online self-study, primarily because they perceived in-person education as more effective.<sup>32</sup>

## IMPACT OF CE COURSES

To understand the impact of CE courses, judges were asked to report the perceived impact of CE, the importance of CE to the success of a judge, and to provide examples of impact from their most recent CE course at a national institution. Using Likert scales ranging from 1 to 5 where 1 represented *strongly disagree* and 5 represented *strongly agree*, judges indicated that their most recent course had a positive impact on their job ( $M = 4.45$ ,  $SD = 0.73$ ) and that CE was important to the success of a judge ( $M = 4.58$ ,  $SD = 0.63$ ). Judges were also given an open-ended response box and were asked to, “Explain how your most recent course has affected your work as a judge.” Of the 320 judges who were a part of our analysis, 207 judges provided a written response.

The overwhelming majority of these responses (187; 90%) provided concrete examples of how their most recent CE course had enhanced their ability to fulfill their role as a judge. Most of these examples provided course-relevant examples of impact.

For example, a limited jurisdiction judge from Minnesota, with 17 years of experience on the bench, explained that attending a CE course on mediation, “provid[ed] me with insight and knowledge on handling pretrials and other settlement discussions.” Another general jurisdiction judge from Arizona, with 17 years of experience on the bench, reported that her most recent evidence course, “[gave me a] greater in-depth understanding of evidentiary issues, which I encounter daily.”

Upon further examination of judges’ responses, other themes emerged that were less course-specific. For example, 14 judges (7% of those who responded to this question) reported that their most recent CE course had increased their confidence in areas such as decision making and fulfilling their role as a judge. One general jurisdiction judge from Alabama with 10 years of experience on the bench wrote, “The most prominent effect of the course on my judging is giving me a sense of confidence that I would not have otherwise achieved.” Similarly, 13 judges (6%) reported that their most recent course had led to some form of personal development. For example, increased mindfulness and patience were common benefits of CE courses. Having attended a course devoted to mindfulness for judges, one general jurisdiction judge from Indiana with 6 years of experience on the bench explained, “I practice mindfulness now at home. It has helped me in my daily job, with stress reduction, focus and more open thinking.” Finally, 19 judges (9%) reported that their most recent course improved their case management. For example, a limited jurisdiction judge from New Mexico, with 13 years of experience on the bench, wrote that after taking an ethics CE course, “[I] was able to review my current practices and tweak them in certain areas so that I was maintaining that ethical duty in running my docket.”

Taken holistically, it seems that judges perceive continuing education as both important and impactful to their role as a judge. Using close-ended scales, judges reported that CE was important to the success of a judge and has had a positive impact on their own competencies as a judge. Through open-ended responses, judges provided concrete benefits of CE such as improved legal knowledge, better case management, increased decision-making confidence, and personal development. Interestingly, perceived impacts of CE did not differ between one-time attendees or frequent attendees, demonstrating that CE was impactful regardless of previous CE experiences. Even attending one course seemed to have a positive impact given that one-time attendees reported high scores of positive impact and provided equal amounts of impact examples as judges who attended many courses previously at NJC.

## CONCLUSION

The goal of continuing education is to provide judges with the necessary skills and knowledge to perform their job and promote justice at the highest level. Although states see value in CE for judges, as evident by their varying levels of requirements, there has been little evidence in the judicial literature documenting outcomes of CE outside of anecdotal accounts. To begin to understand the effects of CE from the perspective of judges, the

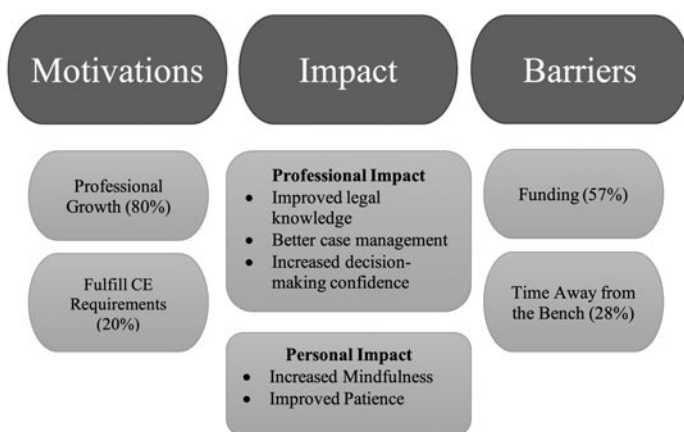
30. Thomas, *supra* note 4, at 24.

31. *Id.*

32. Shawn C. Marsh, *Judicial Educators’ Perspectives on Trauma Education for the Judiciary*, 70 JUV. & FAM. CT. J. 55, 61 (2019).

present study took a systematic approach to investigate judges' motivations for CE, their barriers to CE, and the impact that CE has had on their abilities to be a judge. The results indicated that judges were primarily motivated by professional growth and believed that CE was impactful for both professional development (e.g., improved legal knowledge, better case management, increased decision-making confidence), as well as personal development (e.g., increased mindfulness, improved patience). See Figure 2 for a summary of our key findings.

**FIGURE 2**  
**SUMMARY OF JUDGES' PERSPECTIVES ON CONTINUING EDUCATION**



As with all research, the present study was not without limitations. First, judges who attend courses at NJC might not be representative of the judiciary as a whole. In fact, our survey sample had a higher proportion of female and nonwhite judges when compared to a recent demographic analysis of U.S. state-court judges. Our survey sample comprised 39% female and 23% nonwhite judges (compared to 30% and 20% of U.S. state-court judges, respectively).<sup>33</sup> In addition to demographic differences, the educational experiences at NJC might not be representative of CE at other state or national institutions. Finally, some of the questions in our survey asked about experiences of CJE at NJC, while other questions asked about experiences with CJE more broadly; thus, respondents could have overlooked these distinctions when answering our questions. Despite these limitations, the findings of this study provide valuable insight into the experiences and perceptions of judges regarding CE.

Future research should look to build on our understanding of continuing judicial education. First, it is imperative to understand how different modes of education (i.e., in-person vs. online) affect judicial participation, knowledge attainment, and behavioral change. Given the challenges that COVID-19 has introduced to the courts, including the opportunity to obtain in-person judicial education, it is becoming more common for judges to get their CE online. Moreover, future research should establish more objective measures of CE outcomes. Rather than rely on self-report, it should be possible to relate different forms

of CE to outcomes such as overturned decisions or third-party evaluations (e.g., bar polls). In addition, it would be beneficial to understand the decision-making process of judges when it comes to choosing where to obtain CE. Specifically, how do judges decide whether to attend state-based CE programming or national-based CE institutions, and what factors play a role in their decision? Finally, further research should investigate how different CLE/CJE requirement structures (i.e., reporting periods, required hours, special requirements) affect CE attainment and judicial competencies.

Despite the need to answer more questions, from the perspective of the 320 judges in our study, there seems to be little question that CE is both impactful and important. Admittedly, this conclusion may appear self-evident to most members of the judiciary, but our review of the pertinent literature revealed only a dearth of evidence, none of which holds up to scientific standards. If evidence is critical in shaping policy concerning judicial education, we argue more investigations such as ours are needed.

To our knowledge, this is also the first study to embark on a systematic examination of barriers toward CE for judges—an important aspect if CE is not only to be mandated, but also effectively implemented. There is no question that many judges feel they do not have the financial or organizational support of their respective jurisdictions when it comes to attaining national-level education. If state legislatures feel that CE is important enough to make mandatory requirements for judges, then they should also prioritize funding so that judges can fulfill those requirements (or even surpass requirements) through CE programs they find most beneficial, whether these programs occur at a national judicial education institution or within the state that judges reside. Similarly, jurisdictions should provide organizational support by developing procedures to handle judges' dockets, allowing them to travel to acquire CE.

Education is critical to a well-functioning judiciary. It may be arguably the most straightforward way to promote and develop judicial excellence in the service of high-quality courts that serve their communities efficiently and transparently. However, in the face of limited resources and shifting political priorities within jurisdictions, we consider it important to generate solid evidence in the evaluation of CE's effectiveness. We suspect that further research will support that money and time devoted to judicial education are a worthwhile investment. In this sense, continued rigorous research may be best form of advocacy for CE for judges.

## ACKNOWLEDGMENTS

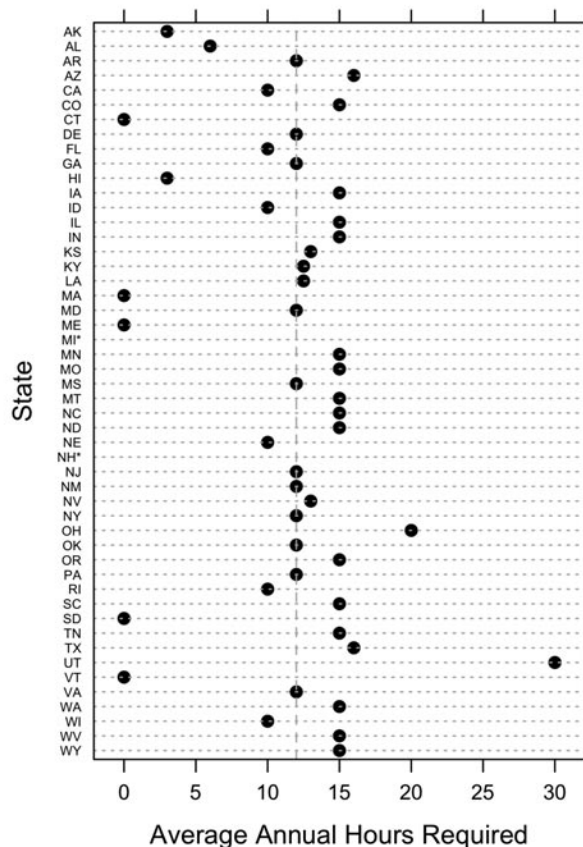
We would like to thank President Benes Aldana, Provost Joy Lyngar, and the National Judicial College for their support with this research.

33. Tracey E. George & Albert H. Yoon, *Measuring Justice in State Courts: The Demographics of the State Judiciary*, 70 VAND. L. REV. 1887, 1903-08 (2017).

## APPENDIX A

**FIGURE 1. AVERAGE ANNUAL CONTINUING EDUCATION REQUIREMENTS (HOURS) FOR JUDGES BY STATE.**

### Annual Judicial CE Requirements by State



Evan Murphy, M.A., is a doctoral student in the University of Nevada, Reno's Interdisciplinary Social Psychology Ph.D. Program. His research investigates multiple psychology-and-law-related topics, including judicial knowledge and decision making.



Markus Kimmelmeier is a professor of sociology and social psychology, and the director of the Interdisciplinary Social Psychology Ph.D. Program at the University of Nevada, Reno. His research interests are in cultural and political psychology, social research methods, and the intersection of culture, technology, and the law.



Patrick Grimes is the chief operating and financial officer at the National Judicial College. He is involved in research related to judicial education. His personal interests relate to understanding and measuring outcomes related to specific training programs.

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