

# NEEDS ASSESSMENT

Needs assessment is the first step in identifying educational activities that will help judges and other court personnel improve their performance. Without taking this step, or by basing programming decisions on unsound needs assessment, the judicial educator takes a number of risks:

- An educational program may be either too simple or too sophisticated for the audience.
- The information provided may not be applicable to judicial practice.
- A program may fail to attract an audience.
- Participants' professional performance may be unchanged by the educational intervention.
- Areas of substantial need may be ignored, while areas of little or no educational need are addressed.
- Programs may be presented in styles, formats, or delivery methods that do not appeal to the intended learners.

In the absence of any meaningful assessment, educational activities that attract large numbers of judges or other court personnel are frequently assumed to be meeting their needs, and those to which no one comes are viewed as not meeting needs. These perceptions in no way relate to the programs' effects on practitioner performance but rather may reflect educators' fortuitous choice of date or location, or clever marketing.

Needs assessments can range from asking a few questions to applying highly sophisticated measures. To identify content areas and delivery modes for educational programming, simpler methods often are sufficient, and they shouldn't be overlooked. Some can be carried out with a minimal amount of specific training. A commitment to high standards, creativity, thoughtfulness, concern for the audience, and knowledge of that audience are necessary.

However, it must be noted that most needs assessments require specific knowledge, skills, and training. For this reason, willingness and resources to seek technical expertise for specific types of assessment may be critical. This chapter describes the broad area of needs assessment, and offers guidelines for those wishing to conduct a simple needs assessment. Because of the complexity of the topic, however, it is virtually impossible to provide comprehensive instructions for conducting needs assessments within a single chapter.

## What is Needs Assessment?

Needs assessment for educational purposes refers to the identification of discrepancies between prevailing knowledge, skill, and performance levels and the desired levels. For example, needs represent gaps between the level at which judges and court personnel are able to perform and the level at which they should be performing.

Needs assessment isn't a single instrument or action, but an overall strategy or plan, that over time utilizes a variety of instruments and methods to identify educational needs. A comprehensive needs assessment strategy includes collection of information from a variety of sources and employs a range of methods. Needs assessment should be used in concert with program evaluation to provide an ongoing determination of whether or not educational activities are satisfactorily addressing the needs identified.

The distinction between needs assessment for educational purposes and competence assessment is important. Identification of educational needs enables educators to develop programs to address deficits. It does not provide information of sufficient breadth or depth to attest to professionals' competence to practice. Determining what constitutes an educational need is different from determining what constitutes competence; the two must be considered separately.

### Focus of Assessment

Needs assessments for judicial education purposes can focus on individual professionals, or on the judiciary (or some subset of it) as a group. **Group assessment**, useful to educators who must identify needs within a profession, can provide data to help judicial educators develop relevant programs. However, if group assessment is used, steps must be taken to convince individual judges and court employees that the needs of the group are indeed relevant to their own practice. Across professions, individual practitioners tend to view group assessment results as pertaining to their colleagues but not to themselves.

**Individual assessment** may be more beneficial to individual practitioners, for it can assist them in selecting continuing judicial education activities on the basis of their own specific strengths and weaknesses. Since people rarely recognize their own needs (although they may be quick to point out perceived deficits in others), reliance on identification of self-perceived needs is potentially useful, but not sufficient. Structured guidance and support can help individuals recognize their needs. Members of the judiciary, like other professionals, must believe that their needs, or performance deficiencies, are real if they are to participate in educational activities developed to address those needs.

## Types of Needs

Specific needs may be described in several ways. *Felt needs* occur when an individual senses that something is missing, while *expressed needs* are present when the individual not only is aware of the gap, but can verbalize it. *Self-determined needs* are those subjectively identified by an individual, as contrasted to *assessed needs*, which have been objectively identified. *Normative needs* refer to an individual's skill level in relation to a recognized standard, whereas *comparative needs* describe an individual's skill level in comparison to that of another individual or group. Difficulties working within practice constraints may be reflected in *process needs*, which indicate that although an individual may have the requisite knowledge and skills to perform a task, he or she cannot function adequately within the organizational system of the practice setting. *Anticipated needs* reflect expected changes in the content, scope, or process of practice. These distinctions can be applied to group, as well as individual, needs.

## Determining an Appropriate Assessment Strategy

Judicial educators' selection of needs assessment strategies should be based on a combination of the following considerations:

- **Purpose.** *Is the needs assessment intended to uncover broad deficiencies across the profession, specific discrete needs, or individual practitioners' weaknesses?* Selection of methodology is dependent upon the types of needs and the population under consideration. Often, more detailed methods are required to identify specific needs, while simpler methods are useful in isolating general needs.
- **Scope.** *For what time period, what population, and what content areas are needs to be assessed?* Determination of the scope of a needs assessment has major ramifications regarding needs assessment design. For example, assessing needs for one local program may be far simpler than doing so for a series of programs to be offered regionally or nationally.
- **Level.** *Which methods are suitable for the task at hand?* The simplest method that can accomplish the specific needs assessment at hand should be used. Avoid unnecessary complexity. Just as a cannon is not necessary to eliminate the rabbit nibbling the garden, an intricate assessment is not required to identify needs for updated knowledge.
- **Appropriateness for the profession.** *Which assessment methods can reasonably be applied to evaluating the type of work that judges and other court personnel do?* The nature of the judiciary and the content areas being assessed will influence choices of assessment methods. Evaluation by one's supervisor, for example, does not merit consideration as a means of assessing judges' educational needs.

- **Resources.** *What funds, personnel, assessment skills, and support services are available to design, conduct, and evaluate the needs assessment?* A needs assessment conducted without adequate resources and thorough understanding of the procedures can be expected to produce poor results. When necessary, efforts should be scaled down to accommodate resource limitations.

## Deciding What to Assess

### A Practice Orientation

Knowledge, skills, and performance present themselves as potential areas for assessment, and all are valid. In assessing needs for certain individual educational programs, relationship to practice may be of minimal importance. An overall needs assessment strategy to guide judicial education, however, must include some attention to practice-oriented needs -- those areas of daily practice in which individuals exhibit weaknesses that could be modified by educational interventions.

All practitioners have knowledge needs; new knowledge is constantly being created. Judicial educators need not conduct formal assessments to determine the need for new knowledge, but rather must keep abreast of new laws, policies, and procedures, and offer educational activities to convey them. On the other hand, knowledge that judges and court personnel are presumed to have acquired through previous education and experience may represent an area of need and should be investigated. Facts learned some time ago may have faded, or they may be viewed differently if revisited from the perspective of a different career stage. And while a solid knowledge base is not sufficient to ensure good performance in daily judicial practice, it is essential.

If judicial educators' goal truly is to assist in improvement of professional performance, they must get as close as possible to assessing that performance. Ideal assessment of performance in any profession is direct assessment of individuals' practice behaviors. Stringent observation and evaluation of the professional's daily practice in the work setting offer a clear picture of strengths and weaknesses, and hence of the areas in need of educational intervention. Unfortunately, such assessment is highly resource intensive and therefore out of reach for most, if not all, organizations seeking to identify practitioners' educational needs.

Assessment of skills offers one alternative. It is substantially closer than knowledge assessment to measuring weaknesses in practice. Skills involve application of knowledge referred to above and may require integration of a number of facts and concepts. Without the ability to translate knowledge into the skills required in daily practice, no professional can perform effectively. Careful assessment of skills can provide an accurate measure of individuals' abilities to apply their knowledge in the manners necessary to perform successfully.

Even skills assessment may fall short of identifying practice-oriented needs. Judges' abilities to perform isolated skills well doesn't mean that they do perform them well in daily practice. Simulated practice situations can move needs assessment still closer to assessment of actual performance and may be particularly appropriate for those areas of judicial practice involving complex decision-making, communications skills, and interpersonal relations.

A comprehensive needs assessment strategy intended to guide a judicial education program should include a combination of the above components.

## **Identifying Content Areas**

Professionals' knowledge, skills, and abilities to perform the tasks associated with their daily practice should be considered in an educational needs assessment. In seeking to develop such an assessment, the focus may be on an individual's scope of practice if individual assessment is the target. Consideration of the entire scope of professional practice is appropriate for group assessment.

In either case, a group or individual practice description can form the basis for identifying content areas to be addressed by educational programming. A *practice description* outlines what practitioners within a given profession do in their practice. Practice descriptions normally are divided into broad, general areas, or domains of practice. Each domain is subdivided into several responsibilities, or categories of duties. Within each responsibility a number of specific tasks are identified. For judges at the local level, for example, managing the court schedule might be a broad domain, within which establishing the court calendar would be a responsibility. Scheduling cases, overseeing preparation of letters for potential jurors, and coordinating staff assignments might be specific tasks associated with this responsibility.

Ideally, an ongoing assessment to identify judicial education needs eventually would cover all areas included in the practice description, although it is neither practical nor wise to attempt to assess the entire scope of practice at one time. Tasks that are performed with some degree of regularity might serve as a logical place to begin, or one might begin with those tasks considered by court personnel to be most important. Tasks judges find difficult could serve as a starting point, as could tasks representing areas for which adequate quality and quantity of continuing judicial education activities are not currently available.

Since the eventual goal of an educational needs assessment is to develop and deliver programs to address identified needs, consideration might be given to assessing only those tasks for which educational activities could improve performance. Some performance needs cannot be addressed by educational interventions. For example, institutional or governmental barriers to different approaches may prevent judges from applying new data, ideas, or technology. Situations such as these cannot be

remedied by additional education of judges, but rather require efforts to change systems and procedures. Lack of motivation to improve is sometimes thought to be beyond the reach of educational programs, but in fact may be amenable to educational intervention. However, it is a different type of problem than a lack of knowledge or skills and therefore requires a unique educational approach.

## Methodology

A successful needs assessment strategy will employ a series of methods for application over time. Because of the wide range of responsibilities and tasks judges and court personnel must handle, the continuously evolving nature of the judiciary, and changes in the preparation, experience, and perspectives of judges themselves, assessment to identify educational needs must be an ongoing process comprised of a number of components. In selecting methods to be used for each component, consideration of the factors mentioned earlier -- purpose, scope, level, appropriateness for the profession, and resources -- is important. In a comprehensive needs assessment strategy, these factors will be defined differently for different components.

For each component, and for each needs assessment method employed, it is necessary to begin by identifying the population(s) to be assessed and the sources from which information will be sought. These two groups may or may not overlap or be the same; they can be expected to vary over time and for different methods.

The population to be assessed can include all members of the judiciary, or it can be limited to specific types of personnel, such as superior court judges, those serving in juvenile courts, or court personnel performing specific functions. Lawyers seeking to move into judgeships could be the target population, or, at the other end of the spectrum, judges close to retirement could be considered.

Sources of assessment information can range from judges and court personnel to their colleagues and the general public. Court records and other forms of documentation can also yield useful assessment data. In conducting a needs assessment, the total population, a random sample, or a *convenience sample* (e.g., whomever is readily available to participate in the assessment) can be used. Frequently it is possible to collect assessment data in conjunction with another activity; people assembled for some other purpose may be easily accessible sources of information.

## Setting Standards

A critical step in any needs assessment is setting standards to identify the point below which a professional is to be considered “needy.” “Need” has no meaning without a defining standard or norm. Without clarification, the definition of need is reduced to a value judgment, dependent upon individual interpretation. The standards against which needs are to be measured may vary, but most often are described in terms of desired levels of knowledge, skill, or performance. For any given assessment, the desired level may range from the minimum amount of information and ability required for basic practice to excellence. Examples of levels that may be established as the standard for a given assessment are: (a) absence of professional practice that is actually harmful, (b) minimum competence, (c) adequate practice, and (d) optimum performance.

Identifying standards to define the level of need is not to be taken lightly, but should reflect conscious decisions regarding the standards to be met to protect the public health and welfare, the integrity of the judiciary, the individual practitioner, and the court system. For some assessments, acceptable levels of knowledge, skills, and performance may be defined according to the career stage of the practitioners being assessed. For example, a standard of basic competence may be appropriate for newly appointed or elected judges, whereas judges with several years of experience on the bench may be assessed against a standard approaching perfection. Particular topics may suggest acceptable standards or levels. Familiarity with current laws may require a high level of knowledge for judges, whereas optimum interpersonal skills, although highly desirable, may be deemed less critical. The content of the assessment; the specific responsibilities, practice settings, career stages, and ages of practitioners being assessed; and the type of educational activity being contemplated are among the factors to be considered in setting assessment standards.

Before assessment can occur, each knowledge, skill, or performance level selected must be defined in terms of the specific information or abilities that describe that level. For a knowledge assessment, the particular information commensurate with the standard selected must be identified. In skills assessment, a comprehensive listing of the components of the specified skill performed to the designated level is important, and a performance assessment requires recognition of the hallmarks that distinguish performance at or above the level of need. Once standards have been set, a discrepancy model is used to identify educational needs. The extent to which the individual’s or group’s actual assessed knowledge, skills, or performance falls below the desired level is determined to be the extent of deficit, or need.

As programs are developed in response to assessment results, attention must be given to the standards used in the assessment. Different standards have significant implications for the content level of the programs developed. Examination of the ways in which judicial personnel fall short of meeting the standards provides additional information for use in planning educational activities to address the needs identified. In some cases, of course, the discrepancy between the desired and actual levels will reveal that knowledge, skill, or performance levels exceed the standards that have been established. While not pointing to an area of educational need, such findings may have implications for the level of future programs on related topics.

### Needs Assessment Methods

Needs assessments should be specifically designed to address each profession and each situation within a profession, for each is unique. The tasks performed by judges vary substantially, leaving little hope of designing a single type of assessment instrument with which to evaluate performance areas ranging from judicial ethics to sentencing. Different methods lend themselves to measuring different types of knowledge, skills, and performance. Some methods may emphasize identification of court personnel's areas of weakness, leaving it to the judicial educator to translate these areas into educational needs. Others may focus on actual educational needs. Some methods are more appropriate for group assessment, some are suitable only for assessment of individuals, and still others have applications for both types of assessment. There is no one "right way" to conduct a needs assessment; creativity, adherence to defined content areas, commitment to rigorous methodology, and common sense should prevail.

**Group assessment methods.** As noted earlier, group assessments can offer judicial educators opportunities to identify areas of weakness that can be addressed by educational programming. Because group assessments provide information on areas of educational need for broad populations, judicial educators may find them more useful than individual assessment for program planning purposes.

While assessment of a total population under consideration may be impractical, results of assessment of an accurately drawn random sample can be accepted as representative of the entire population. Participation of individuals selected for their roles as leaders within the profession also can provide reliable insights into educational needs. Often, assessment of even a convenience sample, if interpreted carefully, can supply sufficient information on which to base educational plans. The following group assessment methods may be useful to judicial educators; appropriate references are suggested for those seeking additional information.



- *Focus Groups:* Judicial educators new to needs assessment may find focus groups the least complex of group assessment methods, and hence a good method with which to begin their needs assessment activities. This method calls for an assembly of 8-12 people to participate in a structured discussion of specific issues. Examples of issues that might be discussed are changes in the judiciary, the perceptions of judges' and court employees' strengths and weaknesses in certain areas, and their educational needs. Goals for outcomes of the discussion should be established beforehand and could include potential topics for educational activities, recommendations for program delivery and format, and faculty. A trained group facilitator leads the discussion, guiding the group, seeing that all group members are heard, and ensuring that the goals are met.

Depending upon the perspective being sought, focus groups may be comprised of judges, lawyers, court employees, or others who are aware of ways in which judges and courtroom personnel perform their duties. It generally is unwise to mix judges and those with whom they work in a single group, since participants may feel constrained or conversation may degenerate into a nonconstructive critique. However, two or more focus groups, each representing a different population, may be conducted on a single topic.

Brainstorming can be a version of a focus group, providing a group of judges or judicial personnel with an opportunity to get together for a free and informal discussion of their perceived strengths and weaknesses, educational needs, and preferences for scheduling and delivery of educational programs. (See Krueger, 1988, for more information on focus groups.)

- *Surveys:* Mail, telephone, and on-site questionnaires, as well as personal interviews, can provide excellent needs assessment data. Practitioners can be asked to identify their own weaknesses and educational preferences and what they consider to be the weaknesses of their colleagues in the field. Those who work with courtroom personnel also may have valid observations. Examples of needs assessment surveys used by several state judicial education agencies are listed in Appendices 2 and 3. Unfortunately, conducting surveys requires a considerable amount of specialized knowledge. Surveys may be the most frequently used form of needs assessment and the least well done. A poor survey is worse than none at all, for it can result in decisions being made on the basis of poor data. A survey must be planned and executed following accepted survey design theory and methodology. The population to be surveyed should be thoughtfully identified, the sample carefully drawn, the instrument well designed, and the data analysis properly conducted. Unless one has considerable expertise in this area, consultation with a survey research expert is recommended. (See Dillman, 1978, for more information on mail surveys.)

- *Delphi Method:* A series of written questionnaires sent to representatives of the profession can be used to progressively focus respondents' views regarding the educational needs of judges and other court personnel. The first questionnaire is quite broad in scope and may ask respondents to determine, for example, the relative importance of a number of (or all) tasks performed by judges, which tasks they and their colleagues perform most frequently, and which tasks they feel are performed most poorly within the profession. The second questionnaire is based on the results of the first and asks more specific questions about those tasks that emerged as most important, frequently performed, or performed most poorly. No number of questionnaire rounds is specified; the number sent is determined by the specific goal of the process and the number of steps required to reach it. All questionnaires are sent to the same respondents. As with surveys, careful questionnaire design and identification of those included in the study are critical to its success. (See Merriam and Simpson, 1989, and Dillman, 1978, for more information on the delphi method.)

**Individual assessment methods.** Assessment of individuals' learning needs is a relatively new concept within the field of continuing professional education needs assessment, and as such, fills an important void. Some needs can be expected to be common within a profession, the result of comparable prior education; new theories, knowledge, and regulations affecting the field; expanded technology; and other changes relative to practice. Other educational needs of practitioners are directly influenced by individual factors such as unique experiences, personal characteristics, and practice setting. Even when identified group needs clearly have relevance for all practitioners within a profession, people exhibit reluctance to recognize that the needs identified for their profession may indeed be their own individual needs as well. Individualized assessment removes all doubt.

Assessment of individual judges' and court employees' needs will provide information on their educational needs that is meaningful to them. Individual assessment is more costly than group assessment, although some types of individual assessment, once developed, may require few resources.

The confidentiality of individual assessment is critical; practitioners do not want others to know of their shortcomings. Thus, anonymity must be maintained, and only the individual being assessed should have access to his or her assessment results. However, individual assessment results can be compiled, without any identification, for judicial educators' use as group data.

The following set of individual needs assessment methods may be useful; appropriate references are suggested for those seeking additional information.

- *Observation of Practice:* Assessing on-the-job performance can range from casual observation to sophisticated evaluation. Peer observations of practice can provide insights regarding performance strengths and weaknesses. Supervisors' observations can be useful in assessing professionals practicing in organizational settings where supervisors have opportunities for informal observation of daily practice. While simple observation can provide insights, without a carefully developed checklist of points to consider, the conclusions drawn from such an assessment will have limitations. More defensible forms of practice observation involve use of trained observers to assess each judge's or court employee's strengths and weaknesses in performing specific tasks according to predetermined criteria and standards for strength or weakness. Reliability and validity of both the observers, or raters, and the instruments used should be established. Observation of practice may be conducted on the spot, or activities may be videotaped for later evaluation by one or more raters. (See Simosko, 1988, for further information on this topic.)
- *Review of Work:* For many professions, analysis of the results of work completed provides a useful snapshot of some performance areas. For judges, a review of the number of decisions overturned, for example, can serve as a yardstick against which to measure performance. This measure can be normative (e.g., comparison of an individual judge's record to the average number of decisions overturned by judges with comparable responsibilities), can reflect the minimum number of such actions viewed as acceptable, or can be a comparison of an individual's current performance to his or her past performance. Further attention might be given, in this example, to the types of cases in which decisions were overturned, perhaps allowing the assessment to identify specific problem areas. (Little has been documented on this methodology, but Manning, et al., 1980, can provide ideas regarding the concept.)
- *Self-Assessment:* Self-assessment is conducted by the individual professional, and may include (a) self-observation, (b) reflection using instrumentation developed by others or based on input from colleagues, and (c) participation in some type of externally developed audit designed to guide practitioners through an objective review of their performance, and a subsequent identification of educational needs. Structuring simple self-observation need not be difficult and may provide an opportunity for the needs assessment novice to experiment with individual assessment. All types of self-assessment have the potential to provide valid data, although those forms totally dependent upon the individual's unguided self-perceptions may be somewhat

limited in value. For example, although practitioners tend to acknowledge weaknesses in some areas, such as lack of familiarity with new legislation, they may not recognize needs related to tasks they perform on a daily basis. Thus self-assessment can be enhanced substantially by the use of a nonthreatening, confidential self-evaluation format. Such an instrument may be a practice-based test, or audit, completed at home or office, or it may be a series of highly specific questions designed to enable each judge or court employee to critically assess particular aspects of his or her performance. (Perhaps because of the relative newness of self-assessment, there is a dearth of published references on the topic. The Office of Continuing Professional Education at The Pennsylvania State University has developed self-assessment materials for architects and dietitians, and the Medical Education Division, American College of Physicians in Philadelphia has developed a Medical Knowledge Self-Assessment Program. These two organizations are quite willing to discuss their work with educators interested in learning more about it.)

**Both group and individual assessment.** Some types of assessment may be designed to evaluate practitioners as a group, but can be constructed so that individual scores can be extracted as well. These features are particularly characteristic of methods that employ criterion referenced measures, since the results of these instruments can be viewed either individually or collectively.

Among professional fields, the judiciary is somewhat unique in that judges frequently practice in isolation and are not integral parts of an employing institution, such as a hospital or an accounting firm. For this reason, several types of assessment that can be used for either group or individual interpretation are not relevant for judges. Within the broad methodology described below, however, are several viable options for use by the judiciary.

- *Assessment Centers Methods:* Pioneered in the 1960s by American Telephone and Telegraph, the assessment center concept features a variety of exercises designed to simulate different aspects of professional practice. Comprised of a sophisticated set of techniques, assessment center methodology is not for the novice needs assessor. It offers a thorough, but often costly, means of evaluating professionals' strengths and weaknesses. Development of a comprehensive assessment center for judges would be feasible only on a national level, and even then may be impractical. However, specific assessment center methods such as case studies, in-basket exercises, critical incident techniques, and live simulations of courtroom interactions can reasonably be used to measure judges' and court employees' practice-related skills. Depending on the nature of individual exercises, such assessments are administered either individually or in group settings. Industrial psychologists are particularly prepared to assist educators in developing exercises based on assessment center methodology. (See Bray and Byham, 1991, for further information on this topic.)

## **Feedback on Needs Assessment Data**

Participants in either individualized or group needs assessments should receive some feedback on either their performance, the group's performance, or both. This feedback is critical not only to provide them with information on the needs identified, but also to give them a sense of accomplishment, to enable them to feel that they contributed to tangible results. In addition, feedback enhances individuals' understanding of their profession and encourages them to include needs assessment in their thinking as they plan their own professional development.

Any group or individual feedback regarding needs identified should include information on educational activities that are available to address those needs. Because judicial employees' time away from court-related duties is limited, such a list might include self-study materials in a variety of delivery modes, as well as information on workshops and conferences.

Feedback to participants in a group assessment process most often is not individualized, but rather takes the form of a report to the profession regarding the needs identified. Reports of group needs assessment results alert practitioners to the needs identified, and to some extent will increase their likelihood of enrolling in programs developed to address those needs. If the educational activities developed in response to the needs identified are to enjoy maximum participation, efforts must be made to overcome practitioners' tendency to assume that the needs identified apply only to others. One way to overcome this is to distribute individual scores to participants in the group assessment. If this is done, each participant should be provided with a separate report describing his or her performance in comparison to the group scores.

In providing feedback on individual assessment, it's important to provide each person with his or her own assessment results, stressing both strengths and weaknesses. If possible, suggested educational activities relevant to the individual's specific needs should accompany such a report. The importance of confidentiality cannot be overemphasized; individual scores should be made known to no one but the individual assessed.

## Conclusion

While needs assessment may appear to be, and in fact is, a complex field, not all needs assessments must be complex. One cannot provide a formula or step-by-step directions for needs assessment. The judicial educator wishing to explore this area must carefully consider the points outlined above and will need to begin slowly. Convening a focus group to identify group needs, for example, may be a safe way to enter the needs assessment arena. As the judicial educator moves beyond simple assessment, assistance will be required to develop questionnaires, assessment exercises, and other tools associated with more sophisticated assessment of educational needs. These are not simple efforts, and if executed poorly, they can result in invalid data being used to make what ultimately will be poor decisions.

In contemplating assessment to identify judges' educational needs, judicial educators are well-advised to map out an overall needs assessment strategy to be implemented over a substantial time period, then to begin with those components of the plan that require resources and skills readily available to them. While a comprehensive plan provides a much-needed context, needs assessment is most manageable if handled as a step-by-step process.

Several factors merit consideration by judicial educators embarking on needs assessment for the first time:

- Educators concerned with improving judicial performance must determine educational needs before planning educational programs. A poor assessment can be worse than no assessment at all, so if a needs assessment is worth doing, it should be done carefully and well.
- Valid needs assessments can be conducted at all levels, from simplest to the most sophisticated. Educators should select a method with which they feel comfortable and before starting should be sure they have the necessary resources.
- Needs assessment to identify educational needs is quite different from competency assessment, and the two must be kept separate and distinct.
- Identification of both the population to be assessed and the sources from which assessment data will be collected merits consideration.
- Measurement of knowledge, while valuable, is not enough. Skills, and performance when possible, must be assessed if judicial education is to address practice-related educational needs and be of benefit to the judiciary. Optimum assessment methods come as close as possible to simulating the practice setting or to practice itself.

- One assessment method will not suffice for evaluating all areas of practice. A needs assessment strategy combining several different methods over time is required.
- No one judicial educator is likely to have all the skills necessary to develop a range of assessment instruments. Reference to the considerable amount of relevant literature and consultation with persons having appropriate expertise are recommended.

Needs assessment is a potentially powerful tool for judicial educators, enabling them to identify those content areas in which judges and court personnel may be weak and to correct deficiencies through educational programming. To be used successfully, needs assessment results must be combined with marketing data on practitioners' preferences regarding methods of program delivery and scheduling, knowledge of their learning styles, and attention to providing knowledge and skills that can be transported into the court setting.





## DEFINITIONS

***Anticipated Needs:*** needs which reflect expected changes in the content, scope, or process of practice.

***Assessed Needs:*** needs which are objectively identified.

***Comparative Needs:*** needs which compare an individual's skill level to that of another individual or group.

***Convenience Sample:*** a sample based on readily available participants.

***Expressed Needs:*** needs which are known to and articulated by the individual.

***Felt Needs:*** needs resulting from deficiencies which are identified by an individual.

***Group Assessment:*** needs assessment which focuses on a group or a profession.

***Individual Assessment:*** needs assessment which focuses on individual practitioners.

***Normative Needs:*** needs resulting from an individual's deficiency at a standard skill level.

***Practice Description:*** a description of what practitioners do in their everyday practice.

***Process Needs:*** needs of an individual to adequately function within an organizational system, regardless of knowledge and skill levels.

***Self-Determined Needs:*** needs which are subjectively identified by an individual.



## REFERENCES AND SUGGESTED READINGS

- Bradburn, N. M., Sudman, S., & Associates (1979). *Improving interview method and questionnaire design*. San Francisco: Jossey-Bass.
- Bray, D. W., & Byham, W. C. (1991). Assessment centers and their derivatives. *Journal of Continuing Higher Education, 39* (1), 8-11.
- Dillman, D. A. (1978). *Mail and telephone surveys: The total design method*. New York: Wiley.
- Gilmore, G. D., Campbell, M. D., & Becker, B. L. (1989). *Needs assessment strategies for health education and health promotion*. Indianapolis: Benchmark Press.
- Kaufman, R., & English, F. W. (1979). *Needs assessment: Concept and application*. Englewood Cliffs, NJ: Educational Technology Publications.
- Klevans, D. R. (1987). *Developing a needs assessment plan in continuing professional education*. University Park, PA: Office of Continuing Professional Education, Division of Planning Studies, The Pennsylvania State University.
- Krueger, R. A. (1988). *Focus groups: A practical guide for applied research*. Newbury Park, CA: Sage Publications.
- Manning, P. R., Lee, P. V., Denson, T. A., & Gilman, N. J. (1980). Determining educational needs in the physician's office. *Journal of the American Medical Association, 244*, 1112-1115.
- Merriam, S. B., & Simpson, E. L. (1989). *A guide to research for educators and trainers of adults*. Malabar, FL: Robert E. Krieger.
- Queeney, D. S. (1988). Assessment of professionals. In S. Simosko & Associates (Eds.), *Assessing learning* (pp. 115-127). Columbia, MD: Council for Adult and Experiential Learning.
- Queeney, D. S., & Smutz, W. D. (1990). Enhancing the performance of professionals: The practice audit model. In S. Willis & S. Dubin (Eds.), *Maintaining professional competence* (pp. 162-193). San Francisco: Jossey-Bass.
- Rossett, A. (1982). A typology for generating needs assessments. *Journal of Instructional Development, 6* (1), 28-33.
- Simosko, S. (1988). Assessment techniques. In S. Simosko & Associates (Eds.), *Assessing learning* (pp. 115-127). Columbia, MD: Council for Adult and Experiential Learning.
- Smutz, W. D., Kalman, S. H., Lindsay, C. A., Pietrusko, R. G., Seaman, J. J., & Queeney, D. S. (1981). *The practice audit model: A process for continuing professional education needs assessment and program development*. University Park, PA: Division of Planning Studies, The Pennsylvania State University.

