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# Educating the Judiciary about the Social Determinants of Health

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*White Paper Four:*

Possible Pathways for Developing a SDOH  
Judicial Education Program

### About the Project:

**Salus Populi: Educating the Judiciary about the Social Determinants of Health** is a project in collaboration with the Center for Health Policy and Law at Northeastern University School of Law and the Institute for Health Equity and Social Justice Research at Northeastern University.

**The Center for Health Policy and Law at Northeastern University School of Law** promotes innovative solutions to public health challenges in Massachusetts and around the globe. The Center advances law and policy reforms to strengthen population health, reduce health disparities, nourish public health programs, and enhance access to affordable, high-quality health care. Wendy E. Parmet is the faculty director of the Center for Health Policy and Law, and Matthews Distinguished University Professor of Law and Professor of Public Policy and Urban Affairs at Northeastern University.

**The Institute for Health Equity and Social Justice Research** is dedicated to generating scientific knowledge to promote health equity and social justice, and reduce disparities in health, mental health and well-being. The Institute's projects focus on public mental health and substance use disorders, violence prevention and trauma studies, refugee, immigrant and global health, and health promotion and disease prevention across the life course. The director of the Institute for Health Equity and Social Justice Research is Alisa K. Lincoln, Associate Dean of Research for the College of Social Sciences and Humanities and Professor of Health Sciences and Sociology at Northeastern University.



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## Executive Summary

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**Successful judicial education programs (JEPs)** generally adhere to best practices for adult education, though several features unique to judges require slight alterations of those principles. **Scholars of judicial education assert that JEPs should be judge-led, utilize active learning techniques, and include opportunities for dialogue between participants and between participants and faculty.**

JEPs can be delivered in-person or online, or through “blended” classes that mix the two formats. Around half of JEP courses in the United States are online or blended. However, educators generally agree that in-person classes are most effective. This view is supported by our survey of judges and law clerks, in which participants overwhelmingly expressed a preference for in-person learning.

Although no JEP in the U.S. focuses on SDOH, a number of SDOH education programs exist for health care professionals. These programs generally include experiential learning, such as simulations or in-person visits; community inclusion; and small group discussions.

To increase our understanding of judges’ interest in and preferences regarding a SDOH-related JEP, our team conducted a survey of judges and law clerks. The survey results were largely in line with existing scholarship regarding best practices for judicial education programs and reports on existing SDOH education programs.

## Foundations of Successful Judicial Education Programs

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**Adult learning principles largely inform the development and implementation of judicial education programs (JEP) in the United States.**<sup>1</sup> Foremost among these principles is the active engagement of learners, an approach increasingly utilized by educators.<sup>2</sup> Active engagement is achieved through participatory and experiential learning in which judges “receive information and have opportunities to use it within the course” through interactive activities like demonstrations, case studies, and small group discussion.<sup>3</sup> These learner-centered methods focus less on lecturing and more on peer interaction, with the instructor functioning more as a facilitator than a lecturer.<sup>4</sup> This approach has proven more effective than passive learning, as it leads to higher retention rates.<sup>5</sup>

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While scholars of judicial education generally extol the benefits of utilizing adult learning principles, they also find judges have different needs than other adult learners.<sup>6</sup> These distinctions arise from motives for course participation and preferred learning style, among other reasons.<sup>7</sup> As stated by T. Brettel Dawson,

[J]udges are intelligent, fast learners and are used to receiving a lot of information which they continually and actively filter, reflecting their repeated practice of deliberative thinking. Judges do not tolerate education which they cannot connect directly to doing their jobs better or developing dexterity in navigating their complex, multi-faceted roles. Judges do not warm to theoretical or abstract discussions, and judges will remain guarded in any education setting where non-judges are present.<sup>8</sup>

As a result, scholars argue that programs should be “judge-led, judging focused, skills-based, and experiential.”<sup>9</sup> Programs should avoid appearing or acting as “indoctrination from pressure groups,” as such endeavors are unsurprisingly shunned by judges.<sup>10</sup> **JEPs should emphasize practical knowledge, or how judges can apply the knowledge to their work.**<sup>11</sup> Dialogue between judges is another important component, as learners can “share information, explore questions, and obtain feedback from peers, thereby learning from one another.”<sup>12</sup>

An example of a program that incorporated many of these elements to educate judges about topics closely related to the SDOH is **Canada’s National Judicial Institute’s Social Context Education Course (SCEP)**. SCEP focused on “diversity, disadvantage, inclusion and equality in legal process and legal principles.”<sup>13</sup> Staff realized that lectures were not effective for this subject matter, which necessitated “engagement in a transformational learning process” and open discussion between judges regarding “experience and world views.”<sup>14</sup> Small group discussions and community inclusion were components of the program.<sup>15</sup> Judges enjoyed learning about how social context factors impact their work and the judicial process.<sup>16</sup> As T. Brettel Dawson explains, “[a]ll of this then points to a view of judicial education as active, interactive, practical and focused on what judges do.”<sup>17</sup> (For a review of JEPs in the U.S. see White Paper 3).

## JEP Delivery Mechanisms

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JEPs can be delivered in-person, online, or using a “blended” method. The Federal Judicial Center (FJC) utilizes mostly in-person programs,<sup>18</sup> though around half of U.S. judicial education is online or blended.<sup>19</sup> [See White Paper 3 for additional information on the FJC.]

### In-person learning

In-person delivery could include conferences, seminars, or workshops. Benefits of in-person delivery include: a) it is a style familiar to learners; b) there is no or less technological equipment needed; c) it facilitates direct interaction with other learners and faculty; d) there are more opportunities for faculty oversight and assessment; e) learners also have networking opportunities; f) it offers limited distractions compared with online learning.<sup>20</sup> Drawbacks include the higher cost to learners of money and time to attend, as well as potentially time-consuming logistics to plan.<sup>21</sup> The continued threat of COVID-19, and restrictions on travel and gatherings present additional, if time-limited, complications.

### Online learning

Online, or e-learning, programs can deliver instruction entirely asynchronously, synchronously, or through a hybrid approach that includes both asynchronous elements plus synchronous discussions with the instructor and other learners.<sup>22</sup> Benefits of online delivery include the ability to reach a wider group of learners, and lower cost to learners.<sup>23</sup> Online delivery has also become a more common, safer option during the pandemic.

### *Asynchronous online learning*

Asynchronous learning, also termed “on-demand learning,” allows participants to access the material at a time and pace of their choosing; it is not live. This program type supports a learner-centric model of instruction through independent work rather than direct interaction with others.<sup>24</sup> Types of asynchronous learning include access to an online platform that provides access to program materials, online discussion boards, and recorded audio or video. These programs can be interactive depending on the duration of the program and other factors.<sup>25</sup>

### *Synchronous online learning*

Synchronous learning involves geographically dispersed learners who access training through the internet, together in real time; it is live. These programs are led remotely with supporting slides and materials, and allow for more robust participation by participants.<sup>26</sup> Synchronous learning programs, such as live webinars, can be recorded and converted to asynchronous courses that are saved in an online library.

Asynchronous videos and programs provide a more flexible type of learning, as materials are accessible in shorter bursts and over self-directed periods; this can align better with how the human brain absorbs and retains information.<sup>27</sup> Despite these benefits, it can be difficult to achieve active, experiential learning using an asynchronous format. Synchronous learning, in contrast, facilitates more interaction between participants, and allows for engagement with the material and colleagues, which better generates comprehensive skills.

### *Blended learning*

The term “blended learning” can have a wide range of meanings. Blended delivery could range from electronic delivery of some content before or after an in-person course to “web-based learning models that integrate components of face-to-face interactions with a facilitator and between learners.”<sup>28</sup> One example of a blended format is the Judicial Forensic Science Education program in Arizona, which utilizes in-person crime lab tours and a continuously-updated forensic science reference webpage.<sup>29</sup>

Many experienced judicial educators are cautious about the effectiveness of online teaching, noting the importance of peer dialogue in the learning process.<sup>30</sup> Educators also report that judges prefer in-person delivery to online delivery.<sup>31</sup> Livingston Armytage notes:

Many experienced providers in the United States have found themselves emphasizing the transformational value of peer-based learning, which has special relevance for judges whose daily occupations are essentially solitary and even monastic. These informants reported making the case for preserving face-to-face delivery on the basis of pedagogic principles. They emphasized the merits of participatory learning, collaborative problem-solving and peer-based exchange of experience as being fundamental preconditions for reflective learning and improved comprehension.<sup>32</sup>

Educators stress the importance of balancing cost and effectiveness.<sup>33</sup> Online learning seems the obvious choice from a cost standpoint. Educators, however, point out that the “invisible but substantial development costs” of producing high-quality online programs can be higher than expected.<sup>34</sup>

## Studies on Judicial Preferences

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Based on evaluations that Canadian judges completed for the **National Judicial Institute’s (NJI’s)** courses, **judges appreciate experiential learning, preferring: a) varied formats, such as a mix of lectures and interactive activities; b) courses relevant to their work; c) interactivity; d) sharing ideas and learning from other participants; e) small group discussions.**<sup>35</sup> In line with these preferences, NJI programming largely focuses on active, experiential learning.<sup>36</sup>

In the United States, there have been few efforts on the state level to evaluate judicial preferences for education. In 1986, Dennis Catlin studied judges’ reasons for participating in judicial education programs.<sup>37</sup> Seven answers received a score of six or above on a seven-point scale of importance:

- 1) “to help me keep abreast of new developments in the law”;
- 2) “to help me be more competent in my judicial work”;
- 3) “to further match my knowledge or skills with the demands of my judicial activities”;
- 4) “to better respond to the questions of law presented to me”;
- 5) “to develop proficiencies necessary to maintain quality performance”;
- 6) “to maintain the quality of my judicial service”; and
- 7) “to increase my proficiency in applying legal principles.”<sup>38</sup>

Additionally, the survey results suggested that more recent law school graduates are more likely than those graduating less recently to pursue judicial education.<sup>39</sup>

The FJC has conducted assessments on judicial preferences at the national level. In one survey of 1,399 federal judges, a majority of respondents ranked in-person programs and “special-focus education programs, (e.g. intellectual property, scientific evidence, environmental law)” as “absolutely or highly essential.”<sup>40</sup> Younger judges were even more likely than older judges to believe special-focus programs were essential (81% vs. 55.2%).<sup>41</sup> Fewer participants believed streaming video or archived programs were essential, though younger judges were more likely to find them essential than older judges (61.3% vs. 32%).<sup>42</sup> Appellate judges were more likely than district judges to regard streaming video or archived programs as “not at all or minimally essential” (42.4% vs. 21.9%).<sup>43</sup>

## Case Study: The Manne Programs in Economics for Federal Judges

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Started in 1976 by Henry Manne, **the Manne Programs in Economics** is one of the most prolific privately-funded judicial education programs in the United States; in 1990, 40% of sitting federal judges had taken the course.<sup>44</sup> [See White Paper 3.]

Initially, the courses were two weeks long and took place in premium resort locations.<sup>45</sup> Private foundations provided substantial funding for the programs.<sup>46</sup> Instructors included Milton Friedman, Paul Samuelson, and Armen Achian, among other prominent economists.<sup>47</sup> The program used a combination of learning methods, including lectures and roundtable discussions.<sup>48</sup>

A key element of the program was the lack of legal issues discussed in the course. The program purported to teach economics as a science, letting judges themselves figure out what the material meant for their judicial work.<sup>49</sup> As one observer notes, “Many of the judges attending the Manne Programs arrived skeptical of the alleged conservative bias of the programs, and left impressed with the analytical rigor and consistency of the economic approach to human behavior.”<sup>50</sup> One judge stated, “I never felt that I was there to be ‘steered’ in any given direction, other than to realize that understanding basic economic concept [sic] can be a very useful tool when working with the law.”<sup>51</sup>

Although there are obvious differences between the Manne Programs and Salus Populi, the Manne Programs can offer several important considerations. Although both economics and public health are relevant to political and policy debates, each are non-legal disciplines that are grounded in rigorous analytical and empirical methodologies. The experience of the Manne Programs suggests that judges might be more open to information related to SDOH if it is

presented in a neutral, “just the facts” manner. However, judges today may also be receptive to a program that includes explicit connections between SDOH and law. Sixty percent of respondents to our survey stated that a “clear connection of social determinants to legal issues” would facilitate their participation in Salus Populi. [See Appendix A.]

## Social Determinants of Health Education Programs

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Although we could not find another program in the U.S. designed to educate judges about the SDOH, there are many programs that aim to educate other audiences about the SDOH. Existing programs cater to medical professionals, high school students, and community outreach workers, among others.

Like JEPs, trainings on SDOH come in different formats and utilize different tools to teach the relevant topics. Programs have been offered in-person, online, and as hybrids. Some common tools are group and individual discussions, case studies, simulations, online modules, and research projects. A 2019 study of 43 different curricula for medical residents about social determinants found that the most common forms of curricula delivery were didactic (74%), community-based learning (51%), service projects (28%) and small group discussions (26%).<sup>52</sup> The most common topics were a general survey of the SDOH (40%) and community health (21%), though multiple topics and tools were often used.

A few elements emerge as best practices in SDOH training, notably experiential learning in the form of interactive materials like simulations, case studies, and games. Caring with Compassion is an online curriculum for healthcare professionals on the healthcare system and bio-psychosocial care for the underserved.<sup>53</sup> The curriculum utilizes individualized learning, didactic modules, and game-based learning to disseminate the information. Researchers have found that an interdisciplinary curriculum with input from multiple fields helped to promote further participation in the curricula. Pre- and post-test scores showed a significant improvement in areas such as epidemiology, health care delivery, and social determinants (pre-test 45% to post-test 73%,  $p < 0.0001$ ).<sup>54</sup>

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Another experiential learning technique used in SDOH trainings is in-person simulations.<sup>55</sup> One program's simulation provided the physician participants with insight into daily challenges their patients might face due to SDOH. At the end of the simulation, the participants expressed their new understanding of the importance of considering social determinants and how to integrate it into their care.<sup>56</sup>

Another element of many programs is community inclusion.<sup>57</sup> The Committee on Educating Health Professionals to Address the Social Determinants of Health recommends that programs include the community being served as an equal partner.<sup>58</sup> **Involving community members promotes integration of principles into the work, promotes professional development, supports experiential learning, and demonstrates return on investment of trainings, supporting both the community and participants.**

Students have expressed that they learn more through interactive community sessions, as they are able to witness and confront situations that they can then apply to their work going forward.<sup>59</sup> An advocacy bus tour program for medical interns is one such example. The tour brought participants through the community to locations such as the housing project, community health center, and schools so participants could learn more about the challenges and resources existing in their local community.<sup>60</sup> Sixty-six percent of the first group, surveyed in 2014, reported feeling the tour delivered SDOH information better than a conference format would.<sup>61</sup> This figure jumped to 100% in 2015, with comments such as “eye-opening to the needs of many families in Worcester.”<sup>62</sup> Another curriculum similarly concluded that community involvement and lived experience are essential to teaching about social determinants.<sup>63</sup>

Group or one-on-one discussions are also a popular component of many social determinant programs. One program for residents heavily utilized discussion.<sup>64</sup> At first, discussion centered around cases and homework. Later, residents spoke with community members one-on-one. These discussions allowed participants to learn from each other and the community, incorporating the elements of lived experience and community involvement.<sup>65</sup>

Participant research is another effective teaching method for social determinants. In the 18 month program *Acción para la Salud*, 150 community health workers were assigned a community advocacy respect project with the goal of identifying steps to address a chosen SDOH through policy change.<sup>66</sup> Participants also took part in four workshops and met with supervisors and a peer network to help formulate their plan. After completing the program, participants reported they were able to strengthen their practices of participation and be directly involved with the problem as a result of this intervention. This program also highlights the importance of

community involvement, as 70% of the workers said they engaged with clients in the community to inform their work.

Clear learning outcomes is another common theme of these programs. In order to better structure our program, Salus Populi should plan to have each activity connected to a competency, goal, and outcome. This will help not only the planning process, but also the evaluation of the program. An example comes from the medical legal partnerships (MLPs) curriculum, originally developed at Boston Medical Center in 1993.<sup>67</sup> MLPs seek to ensure that public programs and laws that impact vulnerable populations' health are implemented and enforced properly.<sup>68</sup> Since the establishment of the first MLP, numerous curricula have been created to help draw the connection between law and SDOH. MLPs include clinical experiences, didactic sessions, community exposure, and project work in an in-person setting, all elements previously identified in this Paper as strong indicators of success for social determinants programs. Notably, many programs clearly connect the activities, their function, and what competency is addressed as seen here in Figure 1, which outlines primary components of MLPs:

**FIGURE 1**

<b>Educational Activity</b>	<b>Description</b>	<b>MLP Function</b>	<b>Competency Addressed</b>
Participation in Multidisciplinary Team Care	Lawyers describe legal interventions as part of care	Direct service	Patient care
Direct Patient Care, Enhanced Interviewing Skills	Observe lawyers doing legal intake, add legal screening questions to routine of history taking	Direct service	Patient care
One-On-One Meetings With Residents and Lawyers	Interact about legal needs and progress of cases	Direct service	Practice-based learning and improvement
Letter Writing and Correspondence on Behalf of Patients	Learn best way to write letters for improved outcome	Direct service	Interpersonal and communication skills
Home Visits	Participate in home visits with lawyers	Direct service	Professionalism
Didactic Conferences/Workshops	Noon or preclinic conference: grand rounds describing legal screening, knowledge	Training	Medical knowledge
Simulation Exercises	Participate in poverty simulations	Training	Professionalism
Patient Simulations	Practice screening for legal needs with practice patients	Training	Interpersonal and communication skills
Focused Block Rotations/Electives	In-depth 2- or 4-week experiences doing MLP cases, projects	Training	Practice-based learning and improvement
Scholarly Projects	Mentioned by lawyers, describe how public policies affect health	Training	Systems-based practice
On-site Experiences With Community Agencies	Observe community agencies (i.e. WIC Office [food stamps]); do walking tours; visit housing court, legislature	Training	Professionalism
Testifying at Legislative Hearings	Doctors, testify about bills regarding legal needs	Systems advocacy	Systems-based practice
Media Relating to Legal Needs	Doctors write letters to the editor, op-eds, and other articles	Systems advocacy	Systems-based practice

Figure 1. Paul E, Fullerton DF, Cohen E, Lawton E, Ryan A, Sandel M. Medical-legal partnerships: addressing competency needs through lawyers. *Journal of graduate medical education*. 2009;1(2):304-309. [doi:10.4300/JGME-D-09-00016.1](https://doi.org/10.4300/JGME-D-09-00016.1).

**Based on the literature, the most effective training formats for social determinants programs are discussions, interactive learning tools, site visits, and community engagement work.** This finding is notable, because in the survey that we conducted (discussed below), the judges indicated that interactive models, panels, and scenarios and videos were most useful to them.

Both the literature and the survey results point to judges responding well to a well-designed JEP on SDOH. Existing SDOH programs already include many of the elements that judges have identified as key learning tools. The knowledge of successful programs in tandem with expressed interest of judges will help to create an effective program that can be implemented on SDOH.

## Salus Populi Survey

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Notwithstanding the above-mentioned studies, there is very little empirical research on judicial preferences regarding JEPs<sup>69</sup> Post-program evaluation surveys are often used, but results are rarely disclosed to either participants or the public.<sup>70</sup> And, there are few, if any, judicial education courses in the United States on SDOH. For that reason, we conducted a survey to find what judges think about judicial education programs in general, and what they would value from a SDOH-related course.

### Methods and Limitations

The survey was developed by the research team and asked fifty-seven closed- and open-ended questions about general and employment-related demographics; the content, format, and usefulness of judicial education programs; and what topics and format they would like to see from a judicial education program on SDOH. The survey was sent to the Salus Populi Advisory Board, as well as other judges known to members of the research team. The Advisory Board includes fifteen judges, academics, members of the bar, and public health experts who have convened to inform the development of the Salus Populi project. Using a snowball sampling technique, advisory board members and other others who received the survey were asked to email their professional networks a link to the online research survey. Descriptive analyses were conducted on all questions. For the seven open-ended questions, responses were coded for common themes with each question yielding 2-5 consistent categories that covered the range of responses.

There are some important limitations to the study. In beginning with a group of judges on the advisory board, we most likely created a sample that was inclined to be interested in SDOH and to be working in jurisdictions where the judges on the advisory board serve. People who have personal experiences with marginalization and oppression might also be more likely to see the benefit of understanding SDOH, which might explain why a disproportionately larger percentage of women and people of color responded to the survey. Very few respondents believed they had taken a JEP on SDOH, so we were not able to gain much information about experiences with previous JEPs on SDOH. In spite of these challenges, the survey provided critical information in the development and implementation of a judicial education program on SDOH.

## Survey Findings

Forty-eight individuals responded to the survey. The ages range from 29-73 with an average age of 59. The majority (60%) of respondents identify as female. For racial identity, 55% of respondents identify as white, 26% identify as Black or African American, 9% identify as Asian, and the rest identify as American Indian, Native Hawaiian/Pacific Islander, or multiracial. For ethnic identity, 14% of the sample identifies as Latinx. The majority of respondents (96%) have a Juris Doctor (J.D.) and currently work as judges (92%) in either trial (63%) or appellate (38%) court. Most (73%) work at the state level yet, of the respondents who work at the federal level, many (83%) work within the Eastern District of California. Eighty percent of respondents work in either New York, California, or Massachusetts.

The survey results have deepened our understanding of the types of JEPs that judges typically attend. Forty-six percent of respondents say their state requires them to participate in a JEP. Specific legal topics and court procedures are the most common topics covered in JEPs, but there is also mention of topics that may overlap with the SDOH, including implicit and racial bias, behavioral health/disability, poverty, gender-related subjects, and pandemic-related subjects. According to respondents, these programs help participants become more competent and think in qualitatively richer ways, yet they do not do a great job of promoting active learning. Judges most commonly teach the programs, followed by academics and members of the bar. Over 64% of respondents have previously taught a JEP.

There is a strong preference for in-person over virtual educational programs. The majority (68%) of respondents have participated in both in-person and virtual JEPs. Three quarters of respondents state a preference for in-person programs, a quarter state no preference, and no one has a preference for virtual programs. Respondents prefer in-person programs because it is easier to pay attention, they enjoy meeting and chatting with other participants, they like the interactive nature of in-person education (particularly asking questions and getting answers), and they feel

the speakers are more engaging. Respondents do not enjoy virtual programming because they find it difficult to pay attention. If an education program is virtual, respondents emphasize the importance of participants being able to submit questions.

All respondents state that they have used what they learn from JEPs in their work. From the trainings, respondents report feeling 1) more aware, sensitive, and knowledgeable about certain issues (particularly regarding implicit bias), 2) better able to engage in rational and responsible decision-making, 3) more aware of new and updated laws, 4) more equipped to manage courtroom relationships and processes, and 5) more connected to their colleagues and peers (by sharing information and networking).

Only 5% of respondents report participating in a JEP about the SDOH, suggesting great need for this type of work. Although many report judicial education programming that, at face value, may overlap with SDOH (e.g. behavioral health, implicit bias, poverty, etc.), many judges have not explicitly received SDOH training. Respondents indicate that making a clear connection between social determinants and legal issues while also having several choices of trainings to attend would be the most helpful in fostering participation in a judicial education program on SDOH. Respondents express interest in learning about several specific SDOH topics, with mental health, violence and abuse, and poverty being the most requested concerns. During the COVID-19 pandemic and social distancing, respondents anticipate housing, mental health, and violence and abuse to be the most common SDOH topics that come before their court. Once social distancing restrictions are lifted, respondents predict violence and abuse will be the topics that most frequently come before their court.

In the survey, respondents share which training/program formats they have experienced and what has been the most useful. The most common formats for these education programs are in-person seminars and presentations, panels, and webinars. Respondents stated a preference for interactive formats that facilitate meaningful and diverse engagement between colleagues and trainers. They enjoy working on mock case problems, role-playing, engaging in discussions, doing site visits, participating in Q&A, and watching panels where speakers come from diverse perspectives and interact with one another. Respondents express dislike for more passive formats such as lectures, PowerPoints, and online or virtual experiences (especially large ones with many participants,) describing them as dull and boring. Respondents continue to emphasize the importance of engagement and interaction between colleagues and trainers.

These findings have implications for the format and focus of Salus Populi. There is a strong preference for in-person JEPs as well as programs that have an interactive format, involving role-playing, discussions, panels, and Q&A. If COVID-19 makes it necessary for the training to be virtual, small and on-line classes with these dynamic formats might be a strong substitute. In

addition to an interactive format, respondents feel that programs with a clear connection between social determinants and legal issues will foster participation. For that reason, it might be useful to speak to judges who have led judicial education programs on topics related to SDOH (e.g. behavioral health, implicit bias, poverty, etc.) and utilize any legal examples or hypotheticals that they are willing to share. It also might be useful for a judge to teach or co-teach the class in order to foster a stronger tie between SDOH and legal issues. Lastly, it may be helpful for the training to focus on violence and abuse, mental health, poverty, and housing as respondents are most interested in these topics and they anticipate that these topics will be important during and after COVID-19 social distancing.

## Conclusion

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There appears to be both a need and an interest in a SDOH-focused JEP. Based on the available research on JEPs and SDOH education programs, as well as the survey we conducted, such a program should incorporate several important elements:

- *Experiential learning,*
- *Community inclusion,* and
- *Opportunities for participants to directly engage with instructors and each other.*

Ideally, the program should emphasize practical knowledge and be “judge-led” and give judges the opportunity to share information, explore questions and learn from their peers. The program should also avoid any appearance of indoctrination.

Scholarship on judicial education, as well as our survey, also point to the advantages of offering an in-person or blended course that relates SDOH to the types of issues that come before judges.

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<sup>1</sup> LIVINGSTON ARMYTAGE, EDUCATING JUDGES: TOWARDS A NEW MODEL OF CONTINUING JUDICIAL LEARNING (1996); Jeremy Fogel & S. I. Strong, *Judicial Education, Dispute Resolution and the Life of a Judge: A*

*Conversation with Judge Jeremy Fogel, Director of the Federal Judicial Center*, 2016 J. DISP. RESOL. 259, 263 (2016). For a foundational study of adult education principles, see MALCOLM SHEPARD KNOWLES, *THE MODERN PRACTICE OF ADULT EDUCATION: FROM PEDAGOGY TO ANDRAGOGY* (1980).

<sup>2</sup> Duane Benton & Jennifer A. L. Sheldon-Sherman, *What Judges Want and Need: User-Friendly Foundations for Effective Judicial Education*, 2015 J. DISP. RESOL. 23, 26 (2015).

<sup>3</sup> T. Brettel Dawson, *Judicial Education: Pedagogy for a Change*, 2015 J. DISP. RESOL. 175, 185 (2015).

<sup>4</sup> *Id.* at 181.

<sup>5</sup> Jeremy Fogel & S. I. Strong, *supra* note 1, at 263.

<sup>6</sup> Livingston Armytage, *Educating Judges - Where to from Here*, 2015 J. DISP. RESOL. 167, 169-70 (2015).

<sup>7</sup> *Id.* at 169.

<sup>8</sup> T. Brettel Dawson, *supra* note 3, at 181.

<sup>9</sup> *Id.* at 185.

<sup>10</sup> Livingston Armytage, *supra* note 6, at 173.

<sup>11</sup> *Id.* at 170.

<sup>12</sup> T. Brettel Dawson, *supra* note 3, at 176.

<sup>13</sup> *Id.* at 179.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Duane Benton & Jennifer A. L. Sheldon-Sherman, *supra* note 2, at 28.

<sup>19</sup> LIVINGSTON ARMYTAGE, *EDUCATING JUDGES: TOWARDS IMPROVING JUSTICE: A SURVEY OF GLOBAL PRACTICE LIII* (2015).

<sup>20</sup> NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS, *CURRICULUM DESIGN: SELECTING AND MANAGING INSTRUCTIONAL DELIVERY MECHANISMS 8* (2016).

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<sup>22</sup> Kim Cochrane, *Transformative Learning in Online Professional Development: A Program Evaluation* 46 (Dec. 2016) (Ph.D. dissertation, Northeastern University).

<sup>23</sup> NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS, *CURRICULUM DESIGN: SELECTING AND MANAGING INSTRUCTIONAL DELIVERY MECHANISMS 9* (2016).

<sup>24</sup> Peter Glowacki & Steve Gluckman, *E-Learning: An Efficient, Cost-Effective Method of Delivering CLE and Other Training*, 15 PUB. LAW. 1, 3 (2007).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> H. Lalla Shishkevish, *Continuing Legal Education the Future Is Now*, 96 MICH. B.J., 36, 37 (2017).

<sup>28</sup> LIVINGSTON ARMYTAGE, *supra* note 19, at LIII.

<sup>29</sup> *Judicial Forensic Science Education*, NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS (May 9, 2017), <https://nasje.org/judicial-forensic-science-education/>.

<sup>30</sup> LIVINGSTON ARMYTAGE, *supra* note 19, at LV.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> T. Brettel Dawson, *supra* note 3, at 188.

<sup>36</sup> *Id.*

<sup>37</sup> Dennis Catlin, *An Empirical Study of Judges' Reasons for Participating in Continuing Professional Education*, 7 JUST. SYS. J. 236 (1986).

<sup>38</sup> Duane Benton & Jennifer A. L. Sheldon-Sherman, *supra* note 2, at 33.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 34.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

- <sup>44</sup> Henry N. Butler, *The Manne Programs in Economics for Federal Judges*, 50 CASE W. L. REV. 351, 352 (1999). See also White Paper 3 at 9, 10.
- <sup>45</sup> Henry N. Butler, *supra* note 44, at 358.
- <sup>46</sup> *Id.* at 356.
- <sup>47</sup> *Id.* at 357.
- <sup>48</sup> *Id.*
- <sup>49</sup> *Id.* at 352.
- <sup>50</sup> *Id.*
- <sup>51</sup> *Id.*
- <sup>52</sup> Lauren A. Gard et al., *Social Determinants of Health Training in U.S. Primary Care Residency Programs: A Scoping Review*, 94 ACAD. MED. 135 (2019).
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- <sup>70</sup> Duane Benton & Jennifer A. L. Sheldon-Sherman, *supra* note 2, at 32-33.