2021 Forum for State Appellate Court Judges

GUIDELINES FOR DISCUSSION GROUP MODERATORS

Thank you for taking time out of your busy schedule to help us with this year's Forum. You should find this a very interesting experience, as you will have a front-row seat for very lively discussions with judges from many parts of the country. Your job here is vitally important to the success of the Forum. It will affect not only the judges' opinion of the program, but also the quality of the Forum report that will be published based on these proceedings.

Following are instructions and suggestions for moderating your group.

- There are two moderators per group. Decide in advance who will moderate, and who will record the points of agreement and interesting comments. If desired, you can swap duties during the second group. (More details on recording this information contained in the 5th-to-last bullet.)

- You will have a list of your group's attendees. Wait until all or most join. Tell them to please unmute themselves. They will be asked to enter their display name when logging in. They can always exit and re-enter to change their submission.

- At the beginning of the discussion, please briefly introduce yourself and mention where you are from and what kind of law practice you have, so that any judge who would be in a conflict situation with that moderator can move to another group. **If there is a conflict, have the judge private message the "POUND STAFF" contact in the WebEx room.** Next, please ask the judges to introduce themselves.

- Moderators should assure the participants at the beginning of each session that:
  - the discussion is being recorded and transcribed by Pound exclusively for use in producing the Forum report. Judges' comments will be anonymous; no references to individual judges, or even to their states, will appear in the report;
  - only judges are in the discussion group (excluding moderators and a brief visit by the faculty); and
  - comments made in the Webex chat are public and can be viewed and saved by administrators and participants. Private comments made to other participants in the group may be viewed only by those two individuals, but can be saved by either individual.

- As the discussion occurs, please do not ask the judges to identify themselves repeatedly, but they are welcome to identify the state they are from, for the interest of the other judges.

- If at any time you see that a judge's video has gone black or to a still image, you might make a general

statement to encourage judges to remain on video view and ask them to use the "Start Video" button if they haven't already done so.

- The discussion group provides judges with an opportunity to hear about other judges' views or experiences with the issues at hand. The function of the moderators is to structure the group meeting and facilitate the discussion. There will be times when moderators are asked substantive questions by judges. If that occurs, you should of course respond. And if you have a particularly salient comment, you should feel free to add it. But remember that the focus is on the judges, not the moderators. Please focus your attention on *facilitating* the discussion, not on joining it.

- The paper presenters and panelists visit each group for about 7 minutes, according to a schedule we will distribute. When they join the chat, please politely stop the current conversation to acknowledge their arrival, and ask the judges if they have any questions for the faculty. **It is crucial that moderators and visiting panelists identify themselves whenever they speak. *If they do not do so, the moderator should identify them for the record immediately after they speak.*** The purpose of this is solely to avoid inadvertently including moderators' or panelists' remarks in the Forum report. ***When Forum transcripts are being edited for the Forum report, we have to verify whether comments came from a judge, a panelist, or a moderator.***

- Because of time constraints, the afternoon panelists visit groups during the morning sessions, and morning panelists visit groups in the afternoon. When that occurs with your group, encourage the judges to ask any questions they may have about that panel's paper topic, even if it requires that you interrupt the current discussion. This is the only opportunity the judges will have to ask that panel questions about their topic in the small group discussions, and they should be allowed to take advantage of it.

- Discussion groups will be monitored periodically for technical issues by Pound staff. **Should any problems arise, send a private message to "POUND STAFF." If that is not an option or doesn't resolve your issue, email langdon.auld@west.com for assistance.**

The discussion questions:
- The standardized discussion questions serve several purposes: they help to focus the discussion on relevant Forum issues; they provide a structure; and they make our report of the Forum more useful.

- It is critical that the standardized questions be used, and that the judges discuss all of them to the extent possible. Plan on spending 8-9 minutes on each question (this will allow time for each question and for the panel visit). Moderators should not ask any questions besides the standardized questions. However, if a judge raises an interesting question and other judges respond to it, please do not cut them off.

- Please do not read all of the questions aloud at the beginning of your session. The judges will have received them in advance. Work from one question to the next over the course of the session, facilitating the discussion so that all questions are reached—and addressed—by the end of the session. The group needs to be guided to stay on its schedule and get finished with the discussion questions on time, and we depend on the group moderators to help make that happen.

- Sometimes a judge will carry his/her comments longer than is desired. **It is the moderator's role to manage this issue** by interrupting the judge at an appropriate time, and saying "Thank you. We need to move on." The judges will understand.

- As the discussion session proceeds, moderators should make written notes of apparent points of agreement among the judges in response to the questions. (To make it easier for you, we have provided a form, and you can fill it in as you note points of agreement. You may use a computer to do this, but please mute yourself so as to not distract the discussions.) Before each discussion group adjourns, please review your notes with the judges and ask them if they agree with your characterization of the points of agreement.

- Please send your "points of agreement" form to Mary Collishaw by the end of the Forum at mary.collishaw@poundinstitute.org.

- As you wrap up, invite people back to the event website by closing out of the Webex window. The virtual event platform will remain open beneath the Webex window. Please instruct judges to enter the luncheon talk at 1:45 pm EDT (after the morning discussion group) or enter the Closing General Session by 5:05 pm EDT (after the afternoon discussion group). There are clickable boxes on the Presentations page for each of these sessions.

- Finally, tell the judges to click on the red X at the top of the screen to close out the discussion group screen.