

**Helping Legislators Legislate:
An Executive Education Program for State Senators**

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Abstract

This paper reports on lessons learned from designing and delivering a two-day, executive education program to help senators be better senators within the state senate. We provide ten lessons on the process of creating and delivering the program and five lessons about its content. We base these lessons on observations we made during the program and evaluations submitted by the participants. We frame the lessons in ways that apply to a range of legislative institutions.

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A State Senator asks you, a university professor versed in the ways of political science, public policy, and public administration, “Can you provide training to help my colleagues and I improve our performance?” How do you respond? The answer is, “Yes, of course,” without coming across as presumptuous. If your offer is accepted, the real work begins.

This paper reports on lessons learned from designing and delivering a two-day, executive education program to help senators be better senators within the senate. To our surprise, searching the literature for articles about custom-designing educational programming for state legislators generated little. With fifty state legislatures, surely we were not the first university to be asked for assistance. Web searches identified programming, but nothing about “how to”, leaving us with names of people to call for advice at organizations such as the National Council of State Legislatures and the Eagleton Center at Rutgers University. If academics have produced programs of this sort, they have not published much about it.

The legislative body in question is the Oregon State Senate, which, with the Oregon House, meets every two years. It is a “citizen legislature” with modest full-time staff that expands to include volunteers and temporary paid staff during each session. The ninety districts in the House fold into thirty Senate districts. Turnover means that the institutional history held by any set of legislators has been modest. During the past several sessions, no political party has had a veto-proof command of the legislature. Until 2007, different parties have had majorities in different houses, which means one or both have been different from the party of the governor. Furthermore, the Oregon legislature has had to deal with divisive issues resulting from events beyond its control, such as an

economic recession, unemployment among the highest in the nation, and no sales tax and state funding for elementary and secondary schools following successful enactment of a ballot initiative. It also has had to deal with divisive issues within its control, such as a progressive state health plan that became increasingly expensive. Not surprisingly, the legislative sessions have been contentious, so much so that some legislators began promoting nonpartisan elections as a solution to gridlock.

However unique Oregon might be in the constellation of state legislatures in the U.S., the lessons learned about designing an educational program to encourage effective legislating are not. The Oregon Senate is a group of individuals, elected from geographic jurisdictions and operating within a set of constitutionally mandated and institutionally crafted rules. It has committees, formal leadership positions, and other trappings of a collective, deliberative and decision-making body. Many factors contribute to the effectiveness of a legislative body, not least the personalities of the individuals and the leaders they select. If comity declines, partisanship increases, and gridlock sets in. An educational program is not the sole solution, but it can be part of one. The problems of designing and delivering it are not daunting but they are real. The lessons are best understood in two related categories: process and content.

Ten Lessons on Process

1. Ensure bipartisan senate ownership of the program

A request for executive education best comes from senators themselves. They have to be ready for it and to perceive value to themselves as individuals, if not to their institution. What creates value for a legislator is something that can help advance his or her agenda or career, that justifies stepping away from innumerable demands to focus on

decision-making within and as part of a group. In sum, if they are going to incur the costs, they have to reap the benefits. They have to own the program.

Furthermore, if the request for assistance comes from the member of one party, whether minority or majority, a precondition for success is co-sponsorship of the request from a member of the other party. Partisanship imbues everything that occurs in a state legislature. It cannot be eliminated but it can be mitigated. Even if an executive education program intends to improve the political process, not by promoting changes in the rules so much as by encouraging the legislators to work more effectively within them, the participants must perceive that neither political party will gain an advantage from the changes or from the processes that generate them. Legislators learn early that process can dictate outcomes. Bipartisan support for expending time and resources on an educational program is one way to manage expectations about the program.

2. Treat the legislator as your client

Clients have experience, if not expertise, in the topics for which they are seeking outside advice and legislators are no different. Moreover, legislators are not seeking a general education for its own sake, but rather specific understandings and skills that demonstrably improve their performance. The legislators themselves, therefore, should play a significant role in establishing the training agenda. This entails interviewing the sponsoring legislators to understand their perception of the needs, proposing a training agenda, receiving feedback, redesigning the agenda, and receiving more feedback until it appears that the agenda has gelled. If the legislators want their members to do a better job of negotiating without making disagreements personal, academics know how to teach those skills. If the legislators want their members to better understand the constraints

state constitutions place on their ability to legislate, academics know how to convey that knowledge. Academics, however, have to guard against the temptation of telling the legislators what they think the legislators need and instead to stick to what the academics know best: teaching the topics that they know.

After interviewing senators, it became clear that they wanted to develop a better understanding of how an elected official pursues an agenda, individual and collective, as one among many; how one best operates in a highly public environment where even perceived conflicts of interest can be fatal; and how one achieves legislative success while sustaining the values and mores of the legislative institution. We called the program a Senate Leadership Institute because we wanted to build on the senators' perceptions of themselves as leaders. Typically, they have served in leadership roles in their jurisdictions before seeking elective office. They may have served in formal leadership roles within the legislature as committee chairs, whips, etc., or in informal leadership roles as leaders of coalitions trying to enact legislation.

3. Engage staffers

Like administrative assistants and secretaries in organizations throughout history, legislative staffers hold the keys to the kingdom. They know and understand the institution better than any one, in part because they carry on while elected officials come and go. They have a stake in its operation, efficient or otherwise. In addition, they can be crucial in managing communications during the process of planning an executive education program. If the path to legislator's policy heart is through constituents, the path to a legislator's institutional behavior is through staff members.

Legislatures can have two types of staff: what amounts to the secretariat of the

body, who typically report to its president or leadership: and the personal staff who serve individual legislators. The secretary of the Senate was our liaison to the institution. Her advice proved to be invaluable in reading the sense of the leadership and the membership, advising us on ways to deliver the program that would be most credible and engage our audience. Individual legislator's staff members also have a unique perspective on the mechanics of the institution and the individuals who comprise it. Elected officials rely on them. If these staff members believe an educational program is folly, so will the legislators. On the other hand, if you ask staff members to suggest ways the legislators could act to make their institution run more smoothly, which will, typically, make staff members' jobs easier, they will be at no loss for suggestions.

We met during the planning stages as a group with two Senators from each political party, as well as staff members. Notes from our meetings and reviews of our email exchanges confirm that we asked quite a few questions and listened more than talked. After our first meeting, we began formulating specific program agendas so that the group could react to concrete proposals. By exploring the reasoning behind group members' reactions and being responsive, we learned more about their needs. The final program they accepted looked little like the first one we proposed. The design process promoted engagement and ownership by the Senators and their staffs.

4. Ensure participation by formal legislative leaders

Legislators are notoriously independent but the requests of their formal party and institutional leadership get their attention. The designated legislative leaders can make or break an educational intervention. If the leaders tell their members to attend but do not themselves attend, the signal is clear: this program is not a high priority. The

membership will feel as though something is “being done to them” and they will bristle. If the leaders schedule other institutional business at the same time as the training program, their signal is also clear: the program and the outcomes to which it aspires are optional.

If, however, the legislative leaders participate in the program, the members know their absence will be noted. If the legislative leaders make the program the legislature’s business, then the membership will get the correct message. We sought to involve the legislative leaders from both parties by giving them leadership responsibilities, at least symbolically (so that they would have little to prepare). We asked them to serve as masters of ceremonies, introducing the program and setting its objectives in terms of their expectations. We asked them to close the program, summarizing the “take-aways” they wanted their members to have.

5. Set outcomes early and evaluate

Evaluation is always left for last, even though we know it should not be. In this case, the design team needs to know where it’s going before it can start. A request for assistance is likely to come to the university in the form of a vaguely articulated problem: things aren’t working well. The question for design team is: at the end of the program, how will the legislators know that things are working better? Ideally, the answers will allow measurable outcomes, which might be hoping for too much.

Based on our interviews with senators and staff members, we established several objectives, all under the rubric of encouraging a more productive and efficient legislative session. Our primary objective was not substantive: the members should have opportunities to get to know each other so they will be more comfortable together and, if

not build relationships, at least be civil in their interactions. The substantive objectives were secondary, but important. We wanted the members to understand:

1. the importance of setting priorities, individually and collectively, and their role in the session's success;
2. the ethical aspects of their decision-making and decisions;
3. the constraints and opportunities under the State's constitution;
4. the nature of legislative conflict and negotiation; and
5. the realities of moving a bill through the legislature, independent of the formal rules.

At the conclusion of the program, we asked the legislators to evaluate the effectiveness of each session, which we will report in the sections of the paper that follow.

6. Apply principles of active learning

Legislators legislate. They question. They decide. They inform. To get to the legislature they communicate, they sell themselves and their ideas. The best of them listen but then react or act. By nature, they are not passive; they are not empty vessels waiting to be filled. On the job, they learn from experience. The “sage on the stage” model of education will have limited efficacy with them. In executive education in general, and legislative leadership programs in particular, the audience wants to leave with something more than a feeling that they enjoyed the lecture. They want to do something with it. They want to use it—which is good because, as a rule of thumb, the half-life of learning in a program like this is ten days: if the participant isn't using what he or she learned, half of what was covered is lost every ten days. The lesson, then, is to design the program so that participants learn by doing.

In our case, no matter what the learning objective, we strove to replace lectures with interactive exercises where possible. We included role playing exercises, discussions lead by senators and discussions facilitated by instructors. Want legislators to understand the impact of the State’s constitution on their proceedings? Create a game of constitutional “Jeopardy,” where law students design the questions and a professor of law plays the role of Alex Trebek. Want legislators to understand legislative-executive branch relationships? Use a concise case from the Electronic Hallway or the Kennedy School Case collection. Want legislators to conduct hearings productively? Cull existing audio or videotapes of past hearings for examples of appropriate and inappropriate behavior, then ask the participants to critique them.

In fact, we did not have sufficient time or money to build the infrastructure for the more complex experiential exercises suggested above, even if we thought they might be more effective for learning. We substituted simpler ones. In a few cases, like the matter of constitutional constraints, we asked a recognized expert and law school faculty member who had been an Oregon Supreme Court judge to lecture. Clear presentation by speakers or panelists of ‘nuts and bolts’ information is appreciated by the senators if the information is presented clearly and the senators feel that they can ask questions as the presentation goes along. Examples of topics that matter to senators and can be covered this way include:

- 1 the state budget process
- 2 state ethics guidelines
- 3 public records retention law
- 4 legislative rules and procedures
- 5 the role of the legislature relative to state agencies, and
- 6 the development of fiscal impact statements.

If a topic is likely to generate many questions on the part of the senators, having a

knowledgeable moderator included in the session helps.

Occasionally, our liaison felt the senators would be uncomfortable with an exercise we proposed and we relied upon her judgment. In all cases, we provided “take-aways” in the form of condensed, concise readings and materials. No matter what the topic, we related it to the decisions legislators face every day.

7. Use instructors with “street” credibility

Among legislators, academics certainly have credibility by virtue of their subject matter and teaching expertise, but those who have actually lived in the world of the legislature have greater credibility. Like the business person who solicits advice only from someone who has had to meet a budget or hire and fire people, legislators will engage better with someone who has walked in their shoes rather than only studied them. Former legislators, judges, lobbyists, staffers: these experts have street credibility. The more they can be employed in the educational process, the greater the likelihood that the message will be received, accepted, and internalized. The caveat, here, is to attend to politics, especially partisanship. Anyone in government with the sort of expertise that could contribute to an executive education program will have a past, and that past might interfere with the acceptability of the message. Candidates must be vetted. The best candidates will be seen as people who will engage in a good, fair fight and then go out for a drink afterwards, who are knowledgeable, who have fallen on the sword a time or two in the interests of the institution, and who will “tell it like it is.”

In our Senate Leadership Institute instructor line-up, we drew on both practitioners, and faculty. All potential participants were reviewed and approved by our Senate liaison who, in turn, had checked with key senators before issuing an approval. In

one case, for example, a person who was a private consultant specializing in dispute resolution, but had been a faculty member *and* a state representative, made his participation as an instructor conditional upon approval by our liaison because he had once served in the House with several of the current senators. He was approved. We also used a former justice of the State's supreme court, the head of the State's ethics commission, and several former legislators now serving as lobbyists or directors of State agencies. As one participant put it in an evaluation, "For me it was historical to have had three former legislators who were also very powerful give insight and feedback."

8. Hold the program off-site

The idea is to create an environment conducive to reflection and learning. Removing participants from the site of their day-to-day business encourages them to focus on the *way* they conduct their business. . It also encourages the participants to engage in the sort of informal exchange—between formal sessions of the programs—where considerable learning takes place. Of course, in the era of cell phones, wireless laptops, and Blackberries, physical distance will no longer guarantee a program free from interruptions and distractions—another reason to emphasize active learning because it requires them to focus on the issues at hand, lest they show disrespect to their colleagues. Had we held the program in a legislative facility, we could have made it work, but the psychology of some physical distance helps.

We held the Senate Leadership Institute on our university campus. The physical separation was more of a psychological than a physical barrier and essentially symbolic. Still, in politics, symbolism is important and understood by the players. Using our facilities also helped to keep expenses low and to avoid the appearance of boondoggle.

Furthermore, this gave us access to the infrastructure of education: appropriately lit rooms with comfortable and moveable seating, audio-visual equipment, white boards, projectors, etc. While other venues can reproduce the equipment, they do not provide the “ivy on the walls” that says, “this is a place of learning, so...learn.”

A related and important issue has to do with the role of the media. Should the program be open to reporters? Do State sunshine laws require that reporters have access? Should reporters be invited? On the one hand, having reporters observe, if not engage in, an exercise with legislators to see them as human, professional, and cooperative, has its merits. On the other hand, having reporters present invariably puts a “chill” in a room where you are 1) asking participants for candor in examining, critiquing, and improving their decision-making; and 2) asking participants to engage in experiential, active learning exercises where, by definition, they learn by making mistakes.

For the Senate Leadership Institute, the President of the Senate listed the activity as the business of the Senate for the two days involved and posted that on the public calendar with its location. We did not invite reporters. If any chose to attend, we planned to advise them that senators were speaking off the record and not for attribution, but, of course, that’s not enforceable. As it happened, no one from the media attended.

9. Use the senators’ time efficiently

Time and timing matter. Getting legislators away from their jobs for any significant period of time is an accomplishment. We began planning a three-day program off-site that would allow participants to work together in the evenings. That ideal quickly met reality and our liaison disavowed us of it.

If the program takes place well before the session begins, participants may be able

to focus on the subject because their legislative duties have not begun, but they may forget much of what they learned by the time the session begins. If the program takes place well into the session, they may not be able to separate themselves from their duties. Indeed, they likely will not participate. Keeping these things in mind, we ran the Senate Leadership Institute during the second and third days of the legislative session. (See the appendix for an outline of the agenda.) The ‘pomp and circumstance’ of the opening day before had everyone in the mood to think broadly about what the session might accomplish. And legislative duties were imminent but not yet distracting.

10. Obtain independent financial support

Many practitioners will contribute their time to a program like this. Some will do it out of the goodness of their hearts. Some will do it as a way to market themselves and help build relationships with the legislators. Some will do it for the fun of it. Some will do it because helping legislators understand a particular topic will make their own jobs easier. Faculty may contribute their time, as well, as part of their service obligations. Compensation helps, however. With respect to food, facilities, materials, if not instructors: you get what you pay for.

The University might be willing to support the program in the public interest. It’s also possible to solicit support in the form of sponsorships from large lobbying organizations. The specter of conflict of interest, perceived if not real, hangs over both of these sources, perhaps more so for the lobbying organizations. Even if the funds from lobbying organizations are given through the University, if there is any sort of quid pro quo, like allowing representatives of their organizations to participate, the taint exists. Legislators live in a fishbowl and everything they do, especially when it entails an

expenditure of money, has to appear benign in the public's mind—not only in the way the public might read a headline, but in the way a conservative or liberal commentator might “spin” the story.

The ideal solution is to identify a private foundation or good government organization willing to provide sufficient resources to underwrite the program. These organizations have agendas, too, but they generally command broad public support. The Ford Family Foundation, an Oregon-based organization, provided a \$10,000 Leadership Assistance Grant to the University for the Senate Leadership Institute. The foundation's mission is to help individuals be contributing and successful citizens through organized learning opportunities, and to enhance the vitality of rural communities in Oregon and Siskiyou County, California. The Values of its founders guide the Foundation in performing its responsibilities:

- 1 Integrity - Promoting and acknowledging principled behavior.
- 2 Stewardship - Responsibility to give back and accountability for resources and results.
- 3 Respect - Valuing all individuals.
- 4 Independence - Encouraging self-reliance and initiative.
- 5 Community - Working together for positive change.

Had we not received support from the foundation, the University could have provided it, albeit less, through the Public Policy Research Center. None of the substantive programming would have changed, but we could not have offered as many supportive amenities or honoraria for the instructors.

Five Lessons on Content

The content of an educational program will in large measure depend upon the context-specific needs of the legislators. Some lessons, however, are generalizable. An overarching lesson is that unprogrammed interactions are as important as the

programming itself. Informal exchanges help the participants know each other as people, the grease that allows the wheels of any organization to turn. As in a traditional classroom setting, a measure of the success of the formal program is the extent to which it stimulates participants to continue talking about the subject during breaks and meals. Especially in short-term, intensive executive education programs, scheduling breaks, meals, and social opportunities—including instructors—should be an explicit part of the plan. Furthermore, learning exercises wherein legislators work jointly to solve problems unrelated to the specific policy disagreements of the session teach them that they can work with each other. These “noncognitive” experiences may, at the end of the day, be the most valuable ones.

1. Focus on basics and process

To find substance behind the vaguely expressed desire for an educational program, we listened. We heard that legislators needed a sense of policy priorities and, with that, a sense of focus so they could focus their limited time and resources. Some have pursued political agendas at the expense of the institution; for example, at each session a set of proposals would make it to enactment, but their sponsors knew the governor would veto them or the courts would declare them unconstitutional. There was also a sense that some legislators were not treating each other or their constituents with the decorum and civility sufficient to sustain productive conflict resolution. Some legislators, especially the newest ones, did not understand the nuts and bolts of how bills became laws—what was required to get a bill through their own chamber, as well as through the other chamber—not just in terms of legal requirements but in terms of political mechanics. And there was concern that some legislators were insensitive to

perceived conflicts of interest, undermining the public's confidence in the institution.

From time to time, a legislator might try to direct the agenda of the educational program toward an objective near and dear to that legislator's heart, whether in terms of institutional behavior or a specific policy outcome. For example, one senator wanted us to teach economics. This kind of request appeals to a faculty member's basic instincts: if decision-makers better understood the faculty member's discipline, policies would be better. And, of course, they would be.

This approach to designing an executive education program about leadership is risky, however. Unless demand for this subject is widely expressed, it hijacks the program for the policy agenda of a subset of the legislators, such as those who feel economic development or transportation investments should be priorities. Teaching learning theory might generate better policies on education; teaching epidemiology could inform public health policy. Unless consensus exists on the need for substantive programming about a particular subject, this approach will alienate legislators who have different policy agendas.

In designing a program such as this, one must decide what one cannot do. Although some might disagree, teaching economics or psychology or learning theory in ninety-minutes or three hours is infeasible. If legislators want to understand a subject better, they hold hearings, they read papers, they talk to committee staff members. For the purposes of an educational intervention designed to help members of a political institution be more efficient and effective, focus on process.

Finally, the program has to remain fresh and add value, session after session, for seasoned and returning senators. This can be accomplished by adding new topics and

activities in each Institute, discarding less popular or effective sessions, and updating others. For example, have at least one interactive exercise on a public policy problem that is likely to emerge as an important theme during the upcoming legislative session. In our 2005 Institute, an exercise incorporated funding for K-12 education; in our 2007 Institute, an exercise incorporated creating a state rainy-day fund.

2. Incorporate public policy problems indirectly

While the purpose of the program is not to resolve particular public policy issues, it can capitalize on the legislators' energy and enthusiasm for addressing them. The challenge is to frame the educational exercises so that the legislators do not engage in political debate so much as learn to debate productively. The underlying principle for accomplishing this is to separate the legislators from the issues in place or time so that they do not see themselves as accountable. Separating them in place means, for example, putting state legislators in the role of addressing the issues at a federal level, or asking them to role-play advisers to legislators in a different state. Separating them in time means asking them to address the issue as it might arise ten-years in the future or putting them in a hypothetical situation where they are looking back in time on the issue.

For example, among our objectives were 1) to help the senators understand the importance of creating an institutional agenda with priorities that would give individual senators focus during their session, and 2) to help them understand the importance of institutional rules and procedures, informal and formal, to keep them moving ahead. After talking with colleagues at other universities, we used an exercise designed by Professor David Harrison from the Evans School of Public Affairs at the University of Washington. Called "The Commission," the exercise has been used successfully for

many years with many groups of executives and leaders. Professor Harrison, joined by former legislators now serving as directors of State agencies, presented themselves as a federal commission working in the year 2014 charged with studying the successes of state legislatures in the “past.” In this scenario, the Commissioners are visiting Oregon to learn how the 2005 state legislature did such a masterful job in dealing with public policy issues of the day. Participants are broken into smaller groups of five to six, asked to identify the key issues of the day and the ways in which their body managed themselves so that the public perceived them to be remarkably successful. Each small group “testified” before the Commissioners, who asked questions and then summarized their findings.

This was the first exercise in the program, immediately following welcoming remarks from the leaders of each party. By asking the participants to go to work immediately, we intended to send several messages: 1) this is your program, not ours; 2) what you get out of it will depend on what you put into it; and 3) you’re going to have fun learning or we’ll die trying. For the first ten to fifteen minutes, we observed the members settling into the role-play, some more comfortably than others. As the breakout groups dug into their assignments, we could see interpersonal and political dynamics at play, a certain amount of posturing and pontificating, kidding—gentle and sharp. Because we assigned one member of each group to be responsible for keeping it on task and kept the groups small enough that a nonparticipant would have to be drawn in, they soon fell into animated discussions and began thinking seriously about priorities and procedures designed to accomplish them. One of the things they discovered in this exercise was how much they had in common, despite their political and personal differences.

3. Discuss civility

People working in close proximity as legislators invariably behave in ways that, intentionally or not, deplete or promote the social capital of the body. Legislators probably do not discuss these behaviors in their institutions because they may see them as uncomfortably personal, because they simply do not take the time, or because they do not think their actions can change these behaviors. These are not just the inevitable faux pas committed by new members; they include the tolerated foibles of the senior members. The history of incivility in American electoral politics is long, albeit episodic, and, perhaps, inevitable; its appearance inside the legislative arena as an impediment to effective government is unavoidable but not unmanageable (Cooper 2005; Uslander 1993; Rosenthal 2004).

Putting these behaviors on the table for discussion has several benefits. First, people may be unaware of the impact their behaviors are having on others. Simply identifying the behavior, if not the people who engage in them, can induce changes. Second, discussing these behaviors openly in an educational program gives the members license to discuss them after the program, whether to request that a colleague refrain or to compliment a colleague for being helpful. Third, open discussion helps new members learn acceptable behavior that they would otherwise absorb by observing behavior that is tolerated or encouraged around them.

In 2005, we wanted to use a standard team building exercise where members of a group create a basic list of rules for their team to follow (such as arriving at meetings prepared and on time) and then having the legislators signal their commitment to the rules and to enforcing them by signing a list of them. This asked too much of the senators.

They were willing to identify and discuss, but not to sign. To be responsive, we chose again not to have a member of the senate or an expert lecture on decorum, which could come across as formal and preaching. Instead, we stayed true to our commitment to active learning by designing a working lunch, setting an open, informal tone for a potentially uncomfortable topic. We relied on the senators to personalize the subject, to gently chide or encourage each other, and, thereby, to promote reciprocity.

We asked our liaison to the Senate to compile a list of behaviors that were pet peeves of the senators or highly respected by them. For example, it bothered some senators

Table 1

Bad Behaviors	Good Behaviors
Chewing gum or candy while trying to talk.	Committee chair explains process to public.
Unwrapping candy very loudly right in front of microphone.	Members explain when they leave the committee that they have another meeting, etc.
Committee members carrying on private conversations with each other while someone is testifying.	Committee chair lays out process of allowing those who travel the farthest to testify first.
Abruptly leaving a committee meeting without explanation.	During controversial meeting, committee chair sets limits on testimony to give everyone a chance to make their views known and “enforces” limits.
Dressing inappropriately.	Dresses appropriately and gives attention to the witness.
Showing up late and being disruptive (e.g. asking a question that has already been asked and wasting the committee’s and witness’ time).	Committee members excuse themselves for private conversations just outside hearing room, so staff does not have to hunt them down for committee actions.
Slumping in chair, yawning, staring with mouth open.	Committee members are responsible for their own committee materials, i.e., bring their info to the meeting and take it with them when they leave.
Reading unrelated material during committee meeting and not paying attention.	Listen to the debate of other committee members and public testimony.
Using cell phones and electronic devices while meeting is going on.	Always be aware that you are on camera! (microphones are extremely sensitive even to a whisper.)
Not taking the hint that the committee needs to move on with current agenda.	Committee members should be aware of their body language.
Committee member is conducting business of another committee (of which he/she is chair) while participating in a separate committee.	
Scheduling other meetings on top of regular committee meetings and requesting staff to interrupt and take them out.	
Impugning the integrity of another member.	

that they addressed each other respectfully during public hearings as “Senator X” or “Senator Y” but addressed members of the public giving testimony by their first name, such as “Bob” or “Susan”, rather than by title, such as “Commissioner” or “Director”, or

In the 2007 Institute, we showed video clips from Senate floor sessions with examples of bothersome senator behavior. The clips were of specific instances recalled by the senators organizing the discussion and involved situations where the ‘poor behavior’ was attributable to virtually the entire body so that no individual senator was singled out. This drove home the point while not stepping on any toes. One example involved senators on the floor failing to pay attention while courtesy introductions were being made – in this case, for the mother of a fallen Oregon soldier.

In their evaluations, the senators gave this session a median score of four out of five for usefulness. Their comments were along the lines of: “Too many times we, as a group, take it for granted that we're on the floor and the cameras, because we don't see them, are not rolling. It was great.” “Spontaneity was the best. Wish it could have been longer.” “Format prevented any one person from preaching.” “Good ownership of issue and concerns on part of members. Open-mike worked.” Indeed, the respondents noted the credibility of the sessions were enhanced because they had been organized and moderated by senators who were considered paragons of good manners and politeness.

4. Discuss Ethics Early and Often

Discussing ethics with state legislators means discussing conflicts of interest, which are endemic in their work (Rosenthal 1999). Because violations have become grist for the media mill, many states have strict and detailed laws, rules, and regulations that appear, at least on first inspection, to be more onerous than those imposed on businesses through Sarbanes-Oxley. The rules are often so detailed, however, that no one can easily master them and a well-intentioned state legislator can run afoul of them without realizing it. Whether they care about them or not -- and most with whom we dealt take

them quite seriously -- legislators need to know about them. The consequences of failing them can be expulsion from office, a lost election, civil penalty, or worse. Thus, teaching state legislators about ethics is a challenge on many levels. One can hope to create a degree of sensitivity to ethical issues and to provide rules of thumb for dealing with them. However, not much can be done in an educational setting of limited duration to give a legislator the motivation to be ethical or to have the character to act ethically.

Our initial plan called for scheduling a discussion of ethics on the second day of the program, but we were soon encouraged by experts and senators alike to place it earlier. No one knew how many of the senators would return after the first day. The issue was seen as too important to leave for later. We opted for a two-pronged approach. First, we found in the literature a variety of short cases that could be the basis for discussion (Allison and Liebman 1980). We also found that asking current or former senators privately for examples of ethically questionable actions generated more than we could use. For example,

You are a newly elected senator and practicing attorney. On behalf of a client of your law firm, you intend to introduce a bill to amend state land use regulations, permitting a real estate development that would not otherwise be allowed. You can draft the bill so as not to attract widespread opposition by using language such that the only beneficiary will be your client.

Breaking the participants into groups of five to six, we asked each group to discuss a different scenario and to be prepared to report to the larger group on whether they identified an ethical problem, whether they desired more information to help resolve it, and what action they would recommend and why.

We preceded this twenty minute exercise with a ten minute “lecturette” about understanding ethical problems as conflicts of interest, and followed it with fifteen

minute of discussion to tease out principles for analyzing ethical issues in terms of rights, justice, or social utility. We also provided written material in the form of a “primer” about ethics that they could use later. Again, the scenarios were so real to members of the audience that we had to assure them that we had not knowingly prepared them with knowledge about any participant’s behavior. Discussions were animated and, at times, intense, as the participants disagreed about whether situations of the sort illustrated here constituted unethical behavior or the responsibilities of the job.

Second, the case discussion created more questions than answers, as it was intended to do, setting up a panel of authorities who provided more answers than questions about Oregon’s ethics laws. The panel included the President of the Senate, the director of the state’s ethics commission, and a deputy legislative counsel. These presenters clearly had street credibility. The members paid rapt attention and asked incisive questions. Had members of the media been present, perhaps participation would not have been so widespread and candid.

The senators perceived this to be one of the most useful parts of the program with a median score of five out of five on their evaluations. The senators made suggestions about how to make it even more productive and concrete. Typical comments in their evaluations were: “I thought this was the most thought provoking session.” “Extremely important to look at real situations and to ask questions.” “Great information. Good panel. Could have been longer. Could have gone into public records more. Very good fact situations.”

5. Treat Conflict Resolution as a Skill

To legislate is to resolve conflict because any government action invariably

creates winners and losers (Baron 2005). Whether drawing on game theory and economics or psychology, conflict resolution is now a well-regarded area of scholarship, complete with practical tools. Even legislators with reputations as excellent negotiators, coalition-builders, and mediators can benefit from a structured exposure to the topic.

Recognizing the diversity of decision-making styles that underlie conflict— independent of substantive disagreements—is one of the first tools. In 2005, this was covered with a one-hour lecture and discussion. An alternative, which would require at least fifty percent more time, would be to administer one of several available instruments on decision-making style to the individuals and then to analyze their meaning and distribution within the group. Our liaison warned us away from this approach because legislators are inundated with and skeptical of anything that looks like a survey or questionnaire.

Next, a former state representative and consultant/trainer on negotiation (with an excellent sense of humor) spent almost two hours with the senators, creating a collective learning experience where the senators and presenter empathized with each other. This session cut past the theory and went straight to practical skills, using the terms of art that legislators know. In such a short period of time, one can only hope to convey two to three points. That is true of almost every topic in the program, but if the points are well chosen, the time is well spent.

In 2007, we repeated the session on negotiation but supplemented it with an interactive unit on interpersonal communications, taught by two consultants who had retired from the faculty of the University of Oregon. The senators clearly understood the value of the time they spent on both topics. They gave these sessions their highest

evaluations. Their comments included: “Very useful discussion about things that are obvious but not. We engage in these behaviors without knowing it. [The instructor] gave me tools to think differently about the art of negotiation.” “I found this and the last session on personality traits to be the most valuable. Anything that gets us talking and learning about each other.” Other topics that might be worth addressing in similar interactive exercises include: dealing with difficult people, developing working relationships in building coalitions, structured brainstorming, or ethical decision-making.

Final Thoughts

Not everything went as planned. Despite continually cutting back, we probably tried to do too much in the day and one-half allocated to the program. The senators appreciated the session on constitutional law but it was sufficiently complicated that the takeaways likely were minimal. The senators saw the session on how a bill really becomes a law as more entertaining than adding value.

That said, at least some senators in every session expressed the desire that more time be allotted to it. Members of the leadership wished their colleagues in the House had gone through the same program. One senator told his staff early on the first morning that he was going to make an appearance so the leadership would see him but he would return to the office in an hour; he not only stayed throughout the first day, he also returned for all of the second. We’ll interpret that as the best testimony for the efficacy of the program.

Appendix: Schedule

Tuesday

8:30-8:45 AM Welcome and Overview

University Senate Leadership Institute Program Managers
Majority and Minority Party Senate Leaders

**8:45-11:45 The National Commission on Legislative Excellence:
Looking Back from the Future**

Chair: David Harrison, Evans School of Public Affairs, University of Washington, with three Oregon executive branch officials and former legislators as Commissioners

12- 1 Lunch -- Group Discussion: Order, Respect and Decorum

Facilitator: Senator

1-1:45 Identifying Ethical Issues

University Professor

1:45-2:45 Panel Discussion: Ethics Guidelines for the Oregon Senate

Panelists:

President of the Senate

Chair, Oregon Government Standards and Practices Commission

Senior Deputy†Legislative Counsel

3-4 Decision-Making and Learning Styles

Director, Ford Institute for Community Building

4-5:30 Reception

Wednesday

8:45-9:45 Oregon's Constitution

Professor, University School of Law

10-11:45 Effective Negotiation in the Legislative Arena

Negotiation consultant and former state representative

**12:00-1:15 Lunch -- Panel Discussion: How a Bill *Really* Becomes a Law?
Seasoned Senators' Insights into Effective Legislating**

1:30-2 Wrap-Up

Senator Majority and Minority Leaders

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