

Leadership

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NACM'S Diversity, Equity, and Inclusion (DEI) Committee

In addition to leadership knowledge, court leaders benefit by performing fair and inclusive practices. NACM is committed to inclusionary and equitable practices and policies in all facets of the association. NACM's mission statement regarding diversity, equity, and inclusion, is the foundation for which the association and the users of this curriculum should begin. The resolution of the association reflects and reinforces this commitment.

NACM is committed to a diverse, inclusive, and equitable environment where all board members, members, volunteers, and educators feel respected and valued regardless of **gender, age, race, ethnicity, national origin, sexual orientation or identity, disability, education, or other bias**. NACM is nondiscriminatory and provides equal opportunity for participation in all areas of the Association. NACM respect the values that diversity of experiences brings to our Association, leadership, and board while striving to listen to all points of view. NACM will increase public awareness of the benefits of diversity; increase the pipeline of minority toward leadership within court administration; utilize broad a large selection criteria and procedures in leadership advancement, include minorities in the leadership selection process.

Use of Curriculum Design

Taken together, the curriculum designs in this series provide an overarching plan for the education of court managers; this overarching plan constitutes a curriculum. Individually, each curriculum design and associated information provide faculty with resources and guidance for developing courses for court managers.

The designs are based on the NACM Core®. Each of the curriculum designs, based on the competency areas, may be used either in its entirety or in segments to meet the needs of the individual circumstance or situation, the particular audience, and time constraints, among many other contextual factors.

Each curriculum design includes a series of learning objectives and educational content to support those learning objectives. Associated information for each curriculum design includes: (1) faculty resources, (2) participant activities, and (3) a bibliography. Each faculty resource and participant activity includes information explaining its use. Also included in each design is a section entitled "Special Notes to Faculty," which provides important information to assist faculty in effectively preparing to design and deliver a course, and a section entitled "Target Audience," which provides some guidance on which audiences are most appropriate for the curriculum design.

Participant Activities

Participant activities have been designed to measure whether the learning objectives have been achieved. Participant activities include many types of group and individual interaction. Information on participant activities includes how to use, direct, and manage each activity. Instructions may be modified for the audience and setting, but the highest goal is to integrate each activity into the learning process and the content of

the course. Faculty should incorporate additional activities to ensure that participants remain actively engaged throughout the course. Additional activities may include asking participants questions about the content, engaging them in sharing their experiences with the content, encouraging them to ask questions, and more.

Faculty Resources

Faculty Resources provide written information and/or graphics that support certain content and may also be used as handouts for associated topics in the **Educational Content**. Faculty Resources are a combination of resources referenced within the Educational Content and recreations of those images embedded in the Educational Content as sample PowerPoint® slides. They may be used in any course, but their applicability and use need to be determined by faculty, based on the topics, length of the course, audience, and other factors. Faculty Resources often include examples of documentation and other data that are time-based. Faculty members are encouraged to update time-based material as well as use material that is specific to the presentation and/or audience. As with participant activities, faculty are encouraged to provide additional materials based on the needs of the participants.

Bibliography

While a bibliography may be viewed as optional by faculty, they are often important adult learning tools, foster reflection, and offer sources follow up research and study.

Needs Assessment

A needs assessment gathers information about the participants' proficiency on the topic of the session. Without a needs assessment, you may provide content

participants cannot or will not use, or already know, or that fails to satisfy their expectations.

Assessing needs enables you to choose and deliver content with much greater accuracy. Conducting a needs assessment before your presentation may include a written survey or focus group discussion; and/or at the beginning of your presentation, you may conduct an informal question and answer exercise or a short pre-test.

Using surveys or focus groups in advance of a course is preferred as it provides you the opportunity to adapt and adjust your presentation to your audience in advance of the actual course. However, it is also advisable to use some time at the beginning of your presentation to seek information about your audience.

Whether you are able to conduct a needs assessment prior to the day of the session or not, the goal is to determine the essential knowledge, skills, and abilities the court managers who will be attending the session must have to perform their duties competently. Two key areas to explore are as follows:

- What level of knowledge, skills, and abilities do the participants currently have about the topic?
- What gaps in their knowledge would they like to close?

Questions enable the faculty member to make necessary adjustments to meet learning needs. If you find out that participants are much more knowledgeable about your topic than you had thought, you can adapt your presentation to a higher-level discussion. If you find that they are less knowledgeable, you can adapt your presentation to be more basic.

NACM Core[®] Reference

Competency: Leadership

Leadership is an energetic process of creating vision resulting in commitment to a common course and preferred future. Just as there is no one best way to manage courts, there is no best way to be a court leader. Leadership is highly personal – some people are naturally better able than others although everyone can learn good leadership techniques.

Learning Objectives

The following learning objectives are designed for a comprehensive course that will require a minimum of 15 contact hours (see Special Notes to Faculty below). Faculty that are developing a more basic or shorter course may simplify or reduce the number of learning objectives.

As a result of this education, participants will be able to:

1. Compare and contrast management and leadership to demonstrate the importance of each;
2. Understand the leadership importance of credibility, trust and ethical behaviors;
3. Know the importance of good governance needed for effective court leadership;
4. Understand and analyze the traits, habits and models of leadership;
5. Design and foster an appropriate organizational culture that encourages and mobilizes change and engages staff;

6. Promote effective communication, collaborative decision-making, and teamwork;
7. Understand the importance of strategic management that embodies vision and purpose through planning and analysis;
8. Utilize the tools necessary to support a high performance court;
9. Determine the relationships and connections needed to be effective in an interdependent judicial system;
10. Know the keys to promoting personal and organizational legitimacy through transparency and accountability.

Target Audience

This curriculum design is suitable for a broad audience including elected and appointed court managers and staff with court wide and departmental responsibilities as well as leadership judges from every jurisdiction and type of court. The best class composition is a mix of court managers and judges from similar jurisdictions and types of courts. However, for a lengthier in-depth course, the material is best suited for participants who already have a broad understanding and experience in the courts and who are in leadership positions or those who aspire to be in such positions.

Special Notes to Faculty

The full content of the curriculum design is intended to be presented at no less than a 2.5 day workshop but may also be adapted to a week-long session due to the nature of the material. Faculty who seek to adapt the curriculum design to shorter formats or an overview may reference the below special notes.

The following examples of course types and lengths are not mutually exclusive and do not preclude creative approaches to session lengths or schedules.

Conference Session

At a conference session 1-3 hours in length, the best use of the curriculum design is to provide an overview of the Leadership curriculum design and the content sections, with focus on only the main topics within the content section, in addition to the Activity for that section. Alternatively, selected sub-sections may be discussed in further detail in this form of abbreviated session or the topics used as basis for other related discussions.

1.5 Day Workshop

A 1.5 day workshop can cover about one-third to one-half of the curriculum. It is essential that each faculty determine the most applicable and relevant topics for the court, organization, or other audience. It is strongly recommended that at a minimum, the following sections form the foundation of leadership instruction, with other sections used and adapted as needed. Possible sections for a 1.5 day workshop are:

Sections 1 & 2
Sections 3 & 4
Sections 5 & 6

2.5 to 4/5 Day Workshop

The entire curriculum is best adapted to a 2.5 day workshop or longer. A 2.5 day workshop will demand some selectivity of topics and activities. Many of the activities require 30-45 minutes, and a few may take up to 90 minutes to complete successfully. Possible sections for a 2.5 day workshop are:

Sections 1, 2, 3 & 4
Sections 4, 5 & 6

Educational Content

Educational Content

Section 1 – Overview of Leadership

Learning Objective

As a result of this section, participants will be able to:

1. Compare and contrast management and leadership to demonstrate the importance of each;
2. Understand the leadership importance of credibility, trust and ethical behaviors;

What is leadership? For most people, leadership is an amorphous concept that is often hard to describe. We can point to be figures throughout history as well as contemporaries in both the government and business world that we call “leaders.” We often associate great leaders with those figures that we would follow willingly and enthusiastically. But what about those people makes them *great* leaders. Is it their charm, charisma, legitimacy, oratorical skills, or inner strength? Whatever it is about those leaders that make them *great*, each of us has the potential to lead in the courts. This section will discuss what leadership is and why it is important in the courts.

1.1 What is Leadership?

No discussion about management, whether in the courts or any sector, would be complete without a basic understanding of leadership. While leadership may not necessarily be quantifiable, it can be diagnosed and understood. And from this analysis, we can learn what makes up leadership and determine what we may each do to be a leader in some form. Definitions of leadership are plentiful and share many of the same basic elements. The basic definition of leadership is

1. A position as a leader of a group, organization, etc.;
2. The time when a person holds the position of a leader; and
3. The power or ability to lead other people.¹

However, leadership is not just a position, time or an ability, it also is a process. According to Forbes, leadership is a process of social influence, which maximizes the efforts of others, towards the achievement of a goal.² Leadership is also “an influence relationship among leaders and followers who intend real changes that reflect their mutual purposes.”³

Ironically, all of the definition variations refer to lead or leader. So then, we must look at the definitions of lead. Setting aside the definitions that refer to wiring and leashes, we see various action verbs and phrases such as conducting, directing, being in advance, influencing, guiding and the like.

¹ Retrieved 12/2/2015 from <http://www.merriam-webster.com>

² Retrieved 12/2/2015 from <http://www.forbes.com/sites/kevinkruse/2013/04/09/what-is-leadership/2/>

³ Rost, J. C., & Burns, J. M. (1991). *Leadership for the twenty-first century*. New York, NY: Praeger.

In the courts, as in any organization, a person may often be in leadership simply because of his or her title or position. Likewise, on a project, a person may be a leader or in a leadership role due to their technical or project expertise (i.e., their skillset for a given project). In the context of this competency, we refer more to the third definition from the dictionary—“the ability to lead.” This is the leadership that spans beyond one’s position title or technical expertise and reflects a broader ability – to guide, direct, etc. the vision of the court. Leadership is an energetic process of crafting a vision that results in commitment to a common course and preferred future.⁴

Leadership is a competency that can be learned and mastered by anyone in the courts, and it is not reserved solely for those in management. More importantly, leadership builds upon the rest of the other the NACM Core competencies, all of which ultimately rely on leaders to make them work.

1.2 Why does Leadership Matter?

Effective court leaders create, implement, and nurture a clear and compelling vision for the court, bringing a strategic perspective to their work, while staying attuned to daily operations. The combination of leadership and proactive management enable the court to fulfill the public’s trust in the judiciary through service and adherence to the rule of law. The effective court leader is ultimately measured by the judiciary’s performance in key areas: procedural due process, the protection of rights, transparency, accessibility, the stewardship of scarce resources, and the achievement of timely justice in individual cases. Effective court leadership delivers on these promises through a well-defined and fully operational governance structure.

This Competency focuses on the traits and behaviors effective court leaders should demonstrate. Thus, great leaders exhibit behaviors that require skills described in detail in the other Competencies of the Core. Leaders are optimistic, positive change agents who focus on important strategic goals. Leaders are also visible, approachable, and model behavior courts need inside and outside of the organization. Court leaders, both judges and court executives, can achieve this result by working effectively in judicial executive teams.

Not every court manager, judge or court employee thinks of themselves as a court leader. But with Baby Boomers retiring at a regular rate, there is likely to be a leadership vacuum in the upcoming years. Approximately 10,000 Baby Boomers, those born between 1946 and 1964, are retiring every day. As of 2015, Generation Y, those born between 1982 and 1995, will outnumber Baby Boomers in the workforce.⁵ This means that there will be an increasing need for succession planning. And since court leaders are not just those at the top of the management hierarchy, leadership development is a continual process. Concerns about succession planning and developing the next generation of leaders are shared by the business world. Deloitte, one of the world’s largest consulting firms, released its annual Global Human

⁴ National Association of Court Management. Core: Leadership. Retrieved from <http://nacmcorenacm.org/competency/leadership>

⁵ Sladek, S. & LaBombard, B. (2012). *America’s aging workforce crisis*. Retrieved from: <http://xyzuniversity.com/wp-content/uploads/2012/02/Americas-Workforce-Crisis-Report-final.pdf>

Capital Trends report based on surveys and interviews with more than 3,300 business and HR leaders from 106 countries. In the 2015 report, it identified the “new world of work” in an increasingly interconnected world. The issue of leadership was a top issue for the third year in a row. The report indicates three troubling leadership concerns. First, leadership training is reserved for those at the top. Second, leadership training is not seen as a key investment priority. And third, few organizations have a strong succession planning process in place.⁶ Courts are no different and can learn from this predicament by making leadership training and succession planning a priority both in terms of efforts and resources.

1.3 What Makes a Good Leader?

Activity One – Leadership Self-Assessment

Two experts, James M. Kouzes and Barry Z. Posner, have researched leadership for more than 30 years. Based on that research and more than one million responses to their leadership assessment, they have created a list of the ten tested characteristics about leadership. The results of the assessment, the Leadership Practices Inventory, are consistent over the years of research no matter the gender, geography or type of organization the person was from.⁷ These will be explored in greater length in Section 3.

Kouzes & Posner went on to develop the *Five Practices of Exemplary Leadership*, a list of practices, or behaviors, that anyone can master.

1. **Model the Way** - Transformative leaders know that if they want to gain **commitment** and achieve **high standards**, they must be **models of the behavior** they expect of others. To effectively model the behavior they expect of others, leaders must be **clear** about **guiding principles**. They must clarify values.
2. **Inspire a Shared Vision** - Focusing on the future sets leaders apart.
3. **Challenge the Process** - **Challenge** is the crucible of greatness.
4. **Enable Others to Act** - Leaders **foster** collaboration and **build trust**.
5. **Encourage the Heart** - Leadership is not an affair of the head. Leadership is an affair of the heart. Put your heart in your business and your business in your heart! Lead at a higher level.

They then added to this a list of Ten Commitments that were mapped to the Five Principles:

Model the Way

1. Clarify values by finding your voice and affirming shared ideals.
2. Set the example by aligning actions with shared values.

⁶ Deloitte. (2015). *Global Human Capital Trends 2015: Leading in the new world of work*. Deloitte University Press. Retrieved from: <http://www2.deloitte.com/us/en/pages/human-capital/articles/introduction-human-capital-trends.html>

⁷ Kouzes, J. M., & Posner, B. Z. (2010). *The truth about leadership: The no-fads, heart-of-the-matter facts you need to know*. San Francisco, CA: Jossey-Bass.

Inspire a Shared Vision

3. Envision the future by imagining exciting and ennobling activities.

4. Enlist others in a common vision by appealing to shared aspirations.

Challenge the Process

5. Search for opportunities by seeking innovative ways to change, grow and improve.

6. Experiment and take risks by constantly generating small wins and learning from mistakes.

Enable Others to Act

7. Foster collaboration by promoting cooperative goals and building trust.

8. Strengthen others by sharing power and discretion.

Encourage the Heart

9. Recognize contributions by showing appreciation for individual excellence.

10. Celebrate the values and victories by creating a spirit of community.⁸

While the context of leadership has changed a lot, the content has not. So what makes great leadership? Below is a list of general axioms applicable to all leaders:

- You believe that you can make a difference.
- Credibility is the foundation of leadership.
- Your values drive commitment from your team.
- You focus on the future (long-view).
- You know that you can't do it alone.
- Trust rules - it's the social glue that holds individuals and groups together
- Change involves challenge and challenge tests you.
- You either lead by example or you don't lead at all.
- The best leaders are the best learners.
- Leadership is an affair of the heart. If you don't love what you do - you won't work hard enough to become great.⁹

Activity Two – Are You Confident in Your Leaders?

1.4 Is Leadership the Same as Management?

⁸ Kouzes, J. M., & Posner, B. Z. (2008). *The leadership challenge*. San Francisco, CA: Jossey-Bass.

⁹ *ibid*

At this point in the curriculum, participants should understand that leadership is a unique trait or characteristic separate from management. Nonetheless, some focused discussion about the key differences between leadership and management is warranted. Academic debate about the difference between leadership and management has resulted in consensus that a difference exists, but it is not a matter of better or worse. Both are systems of action. In the memorable words of Warren Bennis, “Managers do things right. Leaders do the right things.” Management deals with operational complexity. Leadership deals with change and growth. Managers oversee and use control mechanisms to maintain predictability and to ensure coordination, follow through, and accountability. They get things done. Leaders think about, create, and inspire others to support the Court’s mission and strategic intent. All court managers or all court staff within their position should lead within the scope of their responsibilities, since leadership is exercised within the context of specific situations, contributions to enterprise-wide



purposes, and relationships.

Dr. John P. Kotter, a professor of leadership at the Harvard Business School, notes the following mistakes when comparing management and leadership:

- ❖ “Mistake #1: People use the terms “management” and “leadership” interchangeably. This shows that they don’t see the crucial difference between the two and the vital functions that each role plays.
- ❖ Mistake #2: People use the term “leadership” to refer to the people at the very top of hierarchies. They then call the people in the layers below them in the organization “management.” And then all the rest are workers, specialists, and individual contributors. This is also a mistake and very misleading.
- ❖ Mistake #3: People often think of “leadership” in terms of personality characteristics, usually as something they call charisma. Since few people have great charisma, this leads logically to the conclusion that few people can provide leadership, which gets us into increasing trouble.”¹⁰

¹⁰ Kotter, J. P. (2013) “Management Is (Still) Not Leadership.” *Harvard Business Review*. Retrieved from: <https://hbr.org/2013/01/management-is-still-not-leadership/>

Dr. Potter goes on to say that management “helps you to produce products and services as you have promised, of consistent quality, on budget, day after day, week after week” whereas leadership “is about vision, about people buying in, about empowerment and, most of all, about producing useful change”¹¹

Abraham Zaleznik, also a professor of leadership at the Harvard Business School, notes the following key differences between managers and leaders:

| | Managers | Leaders |
|--------------------------------|--|---|
| Personality | <ul style="list-style-type: none"> • Problem solver • Persistence • Hard work • Intelligence • Analytical ability | <ul style="list-style-type: none"> • Entrepreneurial • Imaginative • Brilliant • Thinker |
| Attitudes Towards Goals | <ul style="list-style-type: none"> • Impersonal • Reactive • Responds to changes | <ul style="list-style-type: none"> • Participatory • (Pro)Active • Influences changes |
| Conceptions of Work | <ul style="list-style-type: none"> • Negotiate and bargain • Use of rewards and punishment • Instinct of survival | <ul style="list-style-type: none"> • Develop new or novel approaches • Inspire imagination • Seek risks and danger |
| Relations with Others | <ul style="list-style-type: none"> • Seeks to involve others • Low level of emotional involvement • Direct subordinates | <ul style="list-style-type: none"> • Intense personal drive • Deep sense of empathy • Motivate followers |
| Senses of Self | <ul style="list-style-type: none"> • Perpetuate status quo for role • Seek identity from organizational structure | <ul style="list-style-type: none"> • Seek opportunities for change • Seek identity from something greater¹² |

From Peter G. Northouse’s Leadership: Theory and Practice, in which he draws from John Kotter’s A Force for Change: How Leadership Differs from Management below is a summary of key differences between leadership and management:¹³

¹¹ ibid

¹² Zaleznik, A. (2004). “Managers and Leaders: Are They Different?” *Harvard Business Review*. Retrieved from: <https://hbr.org/2004/01/managers-and-leaders-are-they-different>

¹³ Mohindra, A. (2011). *Leadership vs. management*. Retrieved from: <https://nelsontouchconsulting.wordpress.com/2011/02/22/leadership-vs-management/>

| Leadership Produces change and movement | Management Produces order and consistency |
|---|--|
| <ol style="list-style-type: none">1. Establishes direction<ul style="list-style-type: none">▪ Creates a vision▪ Clarifies the big picture▪ Sets strategies2. Aligns people<ul style="list-style-type: none">▪ Communicates goals▪ Seeks commitment▪ Builds teams, coalitions and alliances3. Motivates and inspires<ul style="list-style-type: none">▪ Energizes▪ Empowers subordinates & colleagues▪ Satisfies unmet needs | <ol style="list-style-type: none">1. Planning and budgeting<ul style="list-style-type: none">▪ Establishes agendas▪ Sets timetable▪ Allocates resources2. Organizing and staffing<ul style="list-style-type: none">▪ Provide structure▪ Make job placements▪ Establish rules and procedures3. Controlling and problem solving<ul style="list-style-type: none">▪ Develop incentives▪ Generate creative solutions▪ Take corrective action |

Activity Three – The Managing Leader?

Section 2 – Leadership Structures in the Courts

Learning Objective

As a result of this section, participants will be able to:

3. Know the importance of good governance needed for effective court leadership

Leadership in the courts can take many forms. And leaders may not necessarily just be the chief or presiding judge or the court administrator, manager or executive. Anyone in the courts may assume a leadership role at some point. This section, however, focuses on the general structure of the judicial branch and the opportunities for leadership that those structures create.

2.1 Court Organizational Structures

Court organizational structures vary. Whether it is the federal system or one of the numerous structures that exist in the states, the organizational structure of an individual court may offer benefits and challenges to leadership. For more on the various state court structures, please

see the National Center for State Courts' "State Court Structure Charts".¹⁴ For more on the federal courts, please visit the U.S. Courts website.¹⁵

Because there is wide variation in complexity and organizational structures among courts, developing and maintaining constructive governance mechanisms can be a daunting task for a court leader. (For more details about court governance, see the Governance curriculum design and Core competency.) Some jurisdictions have multiple layers of courts, a variety of elected officials and short tenures for leadership judges and funding authorities at various levels. These structures may allow for a great deal of local autonomy on many management issues or just a few while other structures may place control higher in the organization or more fully in the hands of a presiding or administrative judge rather than a court manager. The effective court leader needs to be aware of and account for all of the complexity of their court when developing the governance structure. In addition, the court leader needs to ensure the structure adheres to ethical standards in all aspects of court operations.

Courts must be fair and impartial, and they must be perceived as such. The court leader's role is to promote clearly articulated policies, procedures, responsibilities and decision making processes applicable to all aspects of court operations to foster transparency, accountability and open communication. The court leader must also work to cultivate and sustain a governance structure that promotes the principles of independence, for both the court and the individual judges deciding cases, even as they simultaneously work to advance relationships with others throughout the government and community.

In "A Case for Court Governance Principles," court organization is often described as:

"The culture of judges being equals and a presiding judge being only a first among equals, frequently results in a lack of appreciation for the qualities needed in a leader. This can result in the practice of choosing administrative leaders based on seniority rather than administrative competence, or of selecting judges who are least likely to challenge individual judicial autonomy. At the state level, the practice of rotating chief justices is a manifestation of this culture, and frequently results in tenures too short to permit effective engagement or accomplishment. The desire for a personal legacy can result in a personal agenda at the expense of system needs."¹⁶

What this statement embodies is that a sound organizational structure, properly understood as governance, should be above any one person such that the system promotes proper management of the court. The nature of court organization calls for clear, well-understood and well-respected roles and responsibilities. A good governance process distinguishes "who's in charge" among the governing entity, presiding judges, court administrators, boards of judges, and court committees. Despite the role each may play, each entity has the ability to be a leader.

¹⁴ National Center for State Courts. State Court Structure Charts. Retrieved from:

<http://www.courtstatistics.org/other-pages/state-court-structure-charts.aspx>

¹⁵ Administrative Office of the U.S. Courts. Court Role and Structure. Retrieved from:

<http://www.uscourts.gov/about-federal-courts/court-role-and-structure>

¹⁶ Durham, C. M., & Becker, D. J. (2010). *A case for court governance principles*. National Center for State Courts.

As further noted in "A Case for Court Governance Principles," it "is particularly important in court management for the assignments and authority of leaders and managers to be clear, explicit, and included in the general orientation of new judges and staff, as well as in the training of new and potential judicial leadership."¹⁷

2.2 Governance and Judicial Councils

As Chief Justice Warren E. Burger stated, "There can, of course, be no disagreement among us as to the imperative need for total and absolute independence of judges in deciding cases or in any phase of the decisional function. But it is quite another matter to say that each judge in a complex system shall be the absolute ruler of his manner of conducting judicial business . . . Can each judge be an absolute monarch and yet have a complex judicial system function efficiently?"¹⁸

No discussion of leadership can be had without understanding the governance system in place in the court organization. According to the *Principles for Judicial Administration*, "Governance is the means by which an activity is directed to produce the desired outcomes. Good governance is necessary to accomplish the core purposes of courts: delivering timely, effective, fair and impartial justice."¹⁹

Court systems operate through a wide variety of management and governance structures. These can take the forms of "judicial councils, judicial conferences, policy advisory committees, administrative conferences, conferences of (chief) judges, boards of directors, administrative boards, and direction from the supreme court chief justice".²⁰ Differing local or state/federal rules or policies as well as local, state, or federal laws and constitutions can further complicate this. Who funds the court system is also a complicating factor. A good leader will understand his/her system and be able to work within it.

As noted in the *Report on the 4th National Symposium on Court Management*,

'Governance in state courts presents a particular challenge for two primary reasons: (1) state courts are by culture and design loosely coupled organizations, in which the members tend to value independence and autonomy over strict organizational coherency; and (2) the prime actors within state courts – judges – draw their authority, credibility, and power not internally from the organization but rather externally from

¹⁷ ibid

¹⁸ J. Clifford Wallace, *Judicial Administration in a System of Independents : A Tribe with Only Chiefs*, 1978 BYU L. Rev. 39 (1978)

¹⁹ National Center for State Courts. (2012). *Principles for judicial administration*. Williamsburg, VA. Retrieved from:
<http://www.ncsc.org/~media/Files/PDF/Information%20and%20Resources/Budget%20Resource%20Center/Judicial%20Administration%20Report%209-20-12.ashx>

²⁰ ibid

sources such as state constitutions, gubernatorial appointment, or direct popular election.”²¹

A sound governance structure establishes the legitimate authority for leadership to bring into action what needs to be accomplished and for the further development of trust between a central office and autonomous work units. The governance structure needs to be clearly articulated so there is no confusion as to who has the responsibility and authority to lead. This is particularly important since the judicial branch works from a position of interdependence with others.

“Basically, there are three forms of “self-governance” active within the typical trial court: (1) a model based on rights, which requires the exercise of personal power; (2) a model based on administrative rules, which requires the exercise of authority; and (3) a model based on relationships, which requires the exercise of collegiality.” This is explained more in the chart below:²²

Leadership in a “Self-Governance” Court

| Model Type | Attributes | Leadership Challenge |
|-------------------------------|--|---|
| Based on Individual Rights | <ul style="list-style-type: none">• Low sense of organizational identity• Decisional autonomy• Adhocracy | <ul style="list-style-type: none">• Potential conflicts with other branches |
| Based on Administrative Rules | <ul style="list-style-type: none">• Rules govern “who is in charge”• Administration often secondary concern | <ul style="list-style-type: none">• Necessitates a formal governance structure• Requires consensus |
| Based on Relationships | <ul style="list-style-type: none">• Willful sharing of power | <ul style="list-style-type: none">• Encourage collegiality |

What the chart above suggests is that a collegial leadership model is preferable. It is a governance model that permits debate with many voices while being governed by one.

Mary McQueen, President of the National Center for State Courts, explores the concept of the “loosely coupled organization” in *Governance: The Final Frontier*. McQueen argues that the organizational structure of the courts requires leaders to employ four governance mechanisms:

²¹ Coolsen, P. 4th *National Symposium on Court Management*. National Center for State Courts. Retrieved from: <http://www.ncsc.org/~media/Files/PDF/Court%20management/National%20Symposium%20Book%20-%20final.ashx>

²² Lefever, R. D. The Integration of Judicial Independence and Judicial Administration: The Role of Collegiality in Court Governance. *The Court Manager*. Vol 2, Issue 4 Retrieved from: <https://nacmnet.org/sites/default/files/images/RoleOfCollegiality.pdf>

1. Leadership Mechanism – establish the legitimacy of the leadership structure
2. Process Mechanism – develop a process to plan and guide the court system
3. Fairness Mechanism – pursue a collaborative decision making process
4. Communication Mechanism – promote communication both inside and outside the judicial branch²³

Further discussion of the Principles for Judicial Administration is important.

Activity Four – Who Governs?

Section 3 – Leadership Theories, Models & Styles

Learning Objective

As a result of this section, participants will be able to:

4. Understand and analyze the traits, habits and models of leadership

While there are certainly a multitude of leadership (and management) styles, the most notable are discussed for context on the evolution of leadership.

Activity Five – Man or Myth?

Theories of What Makes a Great Leader

3.1 Trait Theory

The trait theory supposes that great leaders are born that way. They have the inherent skills and traits needed to be a great leader – confidence, charisma, intelligence, foresight, etc. While this theory is generally passé, it is useful for discussion of leadership qualities. Although many may argue that you either have or don't have certain traits, we can all learn to maximize our strengths - the traits and skills that we have - while minimizing our weak areas. Many people can have the traits of a leader. Those traits may be hidden or not fully developed which gives each person the potential to be a leaders. We may not each lead an army to victory or lead a social movement, but everyone can be a leader in some form. But why then do we not have more great leaders? After all, traits like self-confidence, charisma and courage are found in people all over the world without reference to geography, social status or birth.

So what is trait theory? The basic assumptions of Trait Theory are:

²³ McQueen, M. C. (2013). Governance: the final frontier. *Perspectives on State Court Leadership*. Retrieved from: McQueen, M.

<http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Harvard%20Executive%20Session/NCSC-Harvard-009-McQueen-Final-Frontier-v001.ashx>

- People are born with inherited traits.
- Some traits are particularly suited to leadership.
- People who make good leaders have the right (or sufficient) combination of traits.²⁴

Ralph M. Stogdill, an early pioneer in the field of leadership research, conducted hundreds of studies from the 1940s to the 1970s. In 1974, his book, *Handbook of Leadership: A Survey of Theory and Research*, identified several traits and skills of leaders.²⁵

| Traits | Skills |
|---|--|
| <ul style="list-style-type: none"> •Adaptable to situations •Alert to social environment •Ambitious and achievement-orientated •Assertive •Cooperative •Decisive •Dependable •Dominant (desire to influence others) •Energetic (high activity level) •Persistent •Self-confident •Tolerant of stress •Willing to assume responsibility | <ul style="list-style-type: none"> •Clever (intelligent) •Conceptually skilled •Creative •Diplomatic and tactful •Fluent in speaking •Knowledgeable about group task •Organized •Persuasive •Socially skilled |

Trait theory further assumes that leaders:

1. Have the drive for responsibility and task completion;
2. Are vigorous and persistent in pursuit of goals;
3. Take appropriate risks and demonstrate originality in problem solving;
4. Exercise initiative in social situations;
5. Have self-confidence and sense of personal identity;
6. Are willing to accept consequences of decisions and actions;
7. Can absorb interpersonal stress;
8. Are able to tolerate frustration and delay;
9. Have the ability to influence other people's behavior; and
10. Demonstrate a capacity to structure social interaction systems to the purpose at hand.²⁶

In addition to these traits, there are a number of other attributes that great leaders embody. These attributes include:

1. **Empathy:** Being sensitive to the thoughts and feelings of others.

²⁴ International Association of Administrative Professionals. (2009). Leadership Theories and Styles. Retrieved from: https://www.etsu.edu/ahsc/documents/Leadership_Theories.pdf

²⁵ Stogdill, R. M. (1974). *Handbook of leadership: A survey of theory and research*. New York, NY: Free Press.

²⁶ Northouse, P. G. (2015). *Introduction to leadership: Concepts and practice*. Los Angeles: Sage. Retrieved from: http://www.sagepub.com/upm-data/30933_Northouse_Chapter_2.pdf

2. **Vulnerability:** Owning up to one's limitations and asking for help.
3. **Humility:** Seeking to serve others and to share credit.
4. **Inclusiveness:** Soliciting and listening to many voices.
5. **Generosity:** Being liberal with time, contacts, advice, and support.
6. **Balance:** Giving life, as well as work, its due.
7. **Patience:** Taking a long-term view.²⁷

Activity Six – Your Trait or Mine?

3.3 Behavioral Theory

The behavioral theory of leadership assumes that great leaders act in certain ways, or exhibit certain behaviors. Leadership can be learned if one learns the correct behaviors. Based in large part on B.F. Skinner's theory of behavior modification, this theory supposes that leaders lead by providing rewards and punishment to their followers. Behavioral leadership generally takes two forms – task-oriented and people-oriented. Task-oriented leadership assumes that leaders direct work of subordinates, or followers, with instructions in an effort to meet a defined goal. People-oriented leadership assumes that leaders generally care about their followers and encourage actions through showing concern and respect. Either form also assumes that leaders typically exhibit one of three forms of decision-making – authoritarian, democratic or laissez-faire. That is, the leader makes decisions alone, with the assistance of the followers, or completely in the hands of the followers.²⁸

Search the web for "leadership" or stop by the self-help section of the local bookstore and you will be inundated by articles and stories that tout these two "axioms" of behavioral theory:

- Leaders can be made, rather than are born
- Successful leadership is based in definable, learnable behavior²⁹

Behavioral theory is often called transactional leadership and is by far the most common form of leadership and where people most often confuse management with leadership. This theory bases leadership on a system of rewards and punishments. Used mostly in the business world, it is the common conception of the manager. It is based on the premise that successful employees are rewarded and poor employees are reprimanded or punished. And while managers use a system of rewards and punishment, leaders go beyond this by encouraging self-actualization as part of the system. For example, managers instruct employees to complete tasks and either reward for completion or punish for non-completion. Leaders, on the other hand, give instruction and place it within the context of a bigger picture—why the task is important. In addition, good leaders help employees understand what the personal rewards are

²⁷ Gerzema, J., & D'Antonio, M. (2013). *The Athena doctrine: How women (and the men who think like them) will rule the future*. San Francisco, CA: Jossey-Bass.

²⁸ Mason Carpenter, Talya Bauer, Berrin Erdogan, & Jeremy Short (2013). *Principles of Management*, version 1.1. Nyack, NY: Flat World Knowledge. Pp. 472-476. "What Do Leaders Do? Retrieved from: <http://2012books.lardbucket.org/books/management-principles-v1.1/s14-03-what-do-leaders-do-behavioral-.html>

²⁹ International Association of Administrative Professionals. (2009). Leadership Theories and Styles. Retrieved from: https://www.etsu.edu/ahsc/documents/Leadership_Theories.pdf

for task completion (e.g., completing the task will help build analytic skills the employee has been encouraged to develop).

Basic Assumptions of Transactional (Behavioral) Leadership

- People perform their best when the chain of command is definite and clear.
- Workers are motivated by rewards and punishments.
- Obeying the instructions and commands of the leader is the primary goal of the followers.
- Subordinates need to be carefully monitored to ensure that expectations are met.

So what is someone to do? Just follow the steps and do the 5, 6 or 10 things necessary to be a great leader? If it were that easy, everyone would do it. Whether you believe that leadership is a trait you are born with or a behavior that you can learn, the takeaway is that smart “leaders” can come from either source. The key is to learn enough about what makes a good leader and to then build on your talents with the sphere that you are comfortable. Everyone’s sphere is different. You may not be a leader at work, but maybe you are at your local church, civic group or athletic team. Some of those traits or behaviors can, with training, extend beyond the initial sphere in which they were honed. But not all leadership behaviors work equally well in every setting—what works well on the battlefield may not work well in the board room.

Edward McConnell, president emeritus of the National Center for State Courts, notes several leadership behaviors, or maxims, that serve the courts well.

The McConnell Maxims

- | | |
|------------------------|--------------------------------------|
| ➤ Use tact | ➤ Do job well |
| ➤ Respect Everyone | ➤ Seek productivity |
| ➤ Listen and hear | ➤ Don’t seek credit |
| ➤ Be responsive | ➤ Use common sense |
| ➤ Be confident | ➤ Work hard |
| ➤ Negotiate/Compromise | ➤ Volunteer for work |
| ➤ Be flexible | ➤ Play by rules |
| ➤ Consider timing | ➤ Take calculated risks |
| ➤ Use imagination | ➤ Earn trust/confidence |
| ➤ Create urgency | ➤ Enjoy and lighten up ³⁰ |

These behaviors can be done by anyone regardless of their position or role. Great leaders are able to strike a balance between their concern for people and their concern of production, often through reward and punishment. This theory also assumes that leaders can learn to identify the behaviors that are successful versus those that contribute to failure and can learn from those.

³⁰ Burke, Kevin S. Leadership Without Fear. *Future Trends in State Courts 2012*. Retrieved from: http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Leadership-and-the-Courts/~media/Microsites/Files/Future%20Trends%202012/PDFs/Leadership_Burke.ashx

3.4 Participatory Leadership

Participatory leadership, a form of behavioral leadership, is a style in which the participants who may be affected by a decision share a role in the decision-making process.

There are two primary forms of participatory leadership – representative participation and participatory management. In representative participation, employees are involved in the decision-making process. This may be the case in which employees may serve on a board or council, such as a labor or union board. Participatory management, on the other hand, is where employees share some decision-making authority with their supervisors. This is more common in environments such as a sales team or workgroup in which there may be a manager, but the group collectively makes decisions.

The theory of participatory leadership assumes that Maslow's hierarchy of higher-level needs is met. Here, it is the motivation to satisfy a deficiency while maximizing growth. In other words, participating in decision-making fulfills the need to belong (participate) while still moving towards a goal (growing).³¹

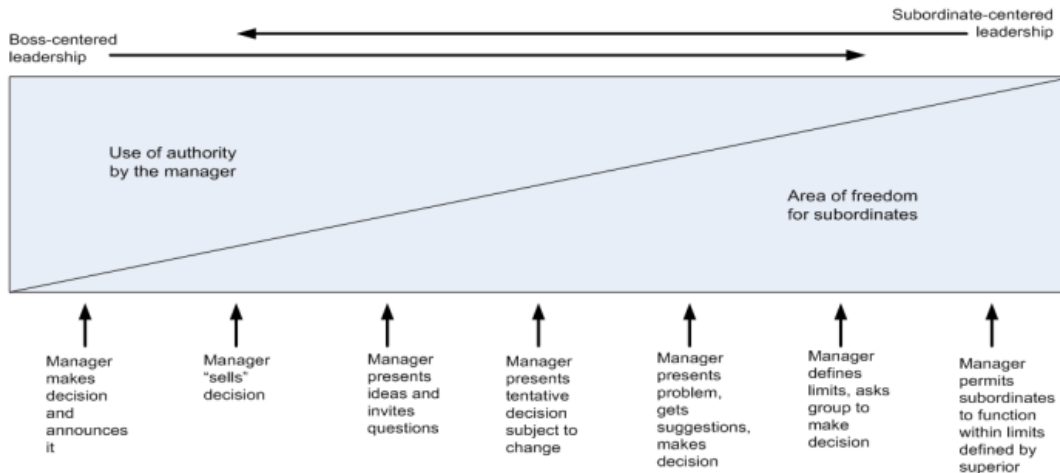
Basic Assumptions of Participatory Leadership

- Involvement in the decision-making process improves the understanding of the issues involved by those who must carry out the decisions.
- People are more committed to a course of action when they are involved in the decision-making process.
- People are less competitive and more collaborative when they are working on a team or towards a common purpose.
- When people make decisions as a team, their social commitment increases their commitment to the decision.
- People working together as a team make better decisions than one person acting alone.³²

Participatory leadership may also be known as consultation, empowerment, joint decision-making, democratic leadership, Management by Objective (MBO) and power-sharing.

³¹ Maslow, A. H. (1998). *Toward a psychology of being*. New York, NY: J. Wiley & Sons.

³² *ibid*



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3.5 Situational Leadership

Unlike other leadership theories such as trait theories or behavioral theories, contingency theories focus not on a leader's abilities or style, but on the various situations which leaders may find themselves in. The main idea behind contingency theories is that different situations will demand different styles of leadership. In other words, the best leadership style is contingent on the situation.

Situational Leadership® is perhaps the only model that draws from all of the behavioral theories. Developed by Paul Hershey and Kenneth H. Blanchard in the late 1960s at the Center for Leadership Studies, this model focuses on three key elements:

1. The amount of guidance and direction a leader gives with regard to duties, responsibilities, and expectations;
2. The amount and type of communication the leader gives whether listening, facilitating or otherwise offering support to the followers; and
3. The ability and willingness of followers to complete a specific task.³³

The SOAR model, originally developed by Norman Maier, is a useful acronym to represent the interaction of all categories. The SOAR model simply suggests that many factors potentially affect leadership.

³³ Hersey, P., Blanchard, K. H., & Johnson, D. E. (2013). *Management of organizational behavior: Leading human resources*. Boston, MA: Pearson.

Originally, this model had only the four "SOAR" components as noted below:

- S-Situation** or circumstances in which an individual leader may find themselves
- O-Organization** of which they are a part
- A-Activities** or tasks that need to be achieved
- R-Results** that are expected from the effort

Later thinking led to the addition of the "L" for leader and "V" for Vision to the variables. The entire "L-SOAR-V" model is therefore shown diagrammatically below.

| | | | | | |
|---------------|------------------|---------------------|-------------------|----------------|---------------|
| L | S | O | A | R | V |
| Leader | Situation | Organization | Activities | Results | Vision |

Situational leaders learn to demonstrate four core, common and critical leadership competencies:

- **Diagnose:** "Understand the situation they are trying to influence"
- **Adapt:** "Adjust their behavior in response to the contingences of the situation"
- **Communicate:** "Interact with others in a manner they can understand and accept"
- **Advance:** "Manage the movement"³⁴

More specifically, situational leaders:

- **"Maintain an acute awareness** of their innate leadership-related strengths and areas for development – critical skill sets in working in high-performing organizations
- **Conduct highly effective coaching conversations** by understanding when a particular leadership style has a high probability of success and when it does not
- **Skillfully influence up, down and across the organization** by knowing when to be "consistent" and when to be "flexible"
- **Create more productive teams/organizations** by accelerating the development of individuals that are new to their role and/or are learning a new task
- **Develop engaged, committed employees** by effectively recognizing and proactively addressing the dynamics of performance regression
- **Effectively drive behavior change and business results** by communicating through a common, practical language of leadership"³⁵

3.6 Transformative Leadership

Transformative, or transformational leadership is probably what most people think of when they think of great leaders. It embodies many if not all, of the traits, behaviors and roles of the various theories. Steven Covey, author of 7 Habits of Highly Effective People, defines transformative leadership as:

³⁴ Center for Leadership Studies. (2015). Situational leadership. Retrieved from: <https://situational.com/the-cls-difference/situational-leadership-what-we-do/>

³⁵ ibid

“The goal of transformational leadership is to “transform” people and organizations in a literal sense – to change them in mind and heart; enlarge vision, insight, and understanding; clarify purposes; make behavior congruent with beliefs, principles, or values; and bring about changes that are permanent, self-perpetuating, and momentum building.”³⁶

James MacGregor Burns first introduced the concept of transformational leadership in his book Leadership in 1978. Burns described it as an ongoing process by which “leaders and followers raise one another to higher levels of morality and motivation”³⁷. In other words, transformative leadership helps bring about self-actualization at the highest level. This makes sense given Burns was influenced by Abraham Maslow’s Theory of Human Needs.

Transformative leadership creates valuable and positive change in followers and organizations. Leaders transform followers by:

- Inspiring a Shared Vision – leaders create inspirational motivation
- Building Trust – leaders use their charisma or influence to create a trusting environment
- Encouraging the Heart – leaders intellectually stimulate their followers
- Activating Higher Order Needs – leaders provide individualized attention to their followers to help them self-actualize their own needs.³⁸

The same top four traits of admired leaders discussed earlier are also the 4 key characteristics of Transformative Leaders:

1. Honest
2. Forward-Looking
3. Competent
4. Inspiring

Transformative leadership is an extension of transactional, or behavioral, leadership that focuses on motivating and inspiring people. While the ultimate goal of exceptional performance may be same, transformative leadership’s pathway to that goal, as shown below, is aimed more at fulfilling personal needs. Transformative leadership can have significant implications for organizations and staff as it can change the culture, provide motivation, and generate lasting results.

³⁶ Covey, S. R. (2013). *The 7 habits of highly effective people: Powerful lessons in personal change*. New York, NY. Free Press.

³⁷ Burns, J. M. (2010). *Leadership*. New York, NY: HarperPerennial. p 20

³⁸ Cox, R. (2007). *The transformational leadership report*. Retrieved from: www.TransformationalLeadership.net website: <http://www.transformationalleadership.net/products/TransformationalLeadershipReport.pdf>

Basic Idea of Transformational Leadership



| Transformational Style | Leader Behavior |
|---|--|
| 1) Idealized Behaviors: living one's ideals | <ul style="list-style-type: none"> • Talk about their most important values and beliefs • Specify the importance of having a strong sense of purpose • Consider the moral and ethical consequences of decisions • Champion exciting new possibilities • Talk about the importance of trusting each other |
| 2) Inspirational Motivation: inspiring others | <ul style="list-style-type: none"> • Talk optimistically about the future • Talk enthusiastically about what needs to be accomplished • Articulate a compelling vision of the future • Express confidence that goals will be achieved • Provide an exciting image of what is essential to consider • Take a stand on controversial issues |
| 3) Intellectual Stimulation: stimulating others | <ul style="list-style-type: none"> • Re-examine critical assumptions to question whether they are appropriate • Seek differing perspectives when solving problems • Get others to look at problems from many different angles • Suggest new ways of looking at how to complete assignments • Encourage non-traditional thinking to deal with traditional problems • Encourage rethinking those ideas which have never been questioned before |

| | |
|---|--|
| <p>4) Individualized Consideration: coaching and development</p> | <ul style="list-style-type: none"> • Spend time teaching and coaching • Treat others as individuals rather than just as members of the group • Consider individuals as having different needs, abilities, and aspirations from others • Help others to develop their strengths • Listen attentively to others' concerns • Promote self-development |
| <p>5) Idealized Attributes: Respect, trust, and faith</p> | <ul style="list-style-type: none"> • Instill pride in others for being associated with them • Go beyond their self-interests for the good of the group • Act in ways that build others' respect • Display a sense of power and competence • Make personal sacrifices for others' benefit • Reassure others that obstacles will be overcome ³⁹ |

Activity Seven – Can You Be Transformative?

3.7 Servant Leadership

Servant leadership is not a new concept. In various forms and under many names, it has been around for centuries. Often seen in the faith community, the focus is on serving as much as leading. Robert K. Greenleaf, in his 1970 essay “The Servant as Leader” was the first to use the actual phrase “servant leadership”. In that essay, Greenleaf wrote:

“The servant-leader *is* servant first... It begins with the natural feeling that one wants to serve, to serve *first*. Then conscious choice brings one to aspire to lead. That person is sharply different from one who is *leader* first, perhaps because of the need to assuage an unusual power drive or to acquire material possessions...The leader-first and the servant-first are two extreme types. Between them there are shadings and blends that are part of the infinite variety of human nature.”

This theory assumes that power and being on top is not the ultimate goal of leader. Rather, “[t]he servant-leader shares power, puts the needs of others first and helps people develop and perform as highly as possible.”⁴⁰

³⁹ Bass, B.M. & Avolio, B.J. (eds.) (1994). *Improving organizational effectiveness through transformational leadership*. Thousand Oaks, CA: Sage.

⁴⁰ Greenleaf. What Is Servant Leadership? Retrieved from: <https://greenleaf.org/what-is-servant-leadership/>

The Level 5 Hierarchy



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The concept of servant leadership has been adapted to be many different organizations from schools and universities to major corporations. In the corporate world, Jim Collins, author of Good to Great: Why Some Companies Make the Leap...And Others Don't, explored the concept of servant leadership noting the qualities of great leaders in some of the world's largest, most profitable businesses. From this, he developed his concept of the Level 5 leader and their focus on their organization.

Collins states that:

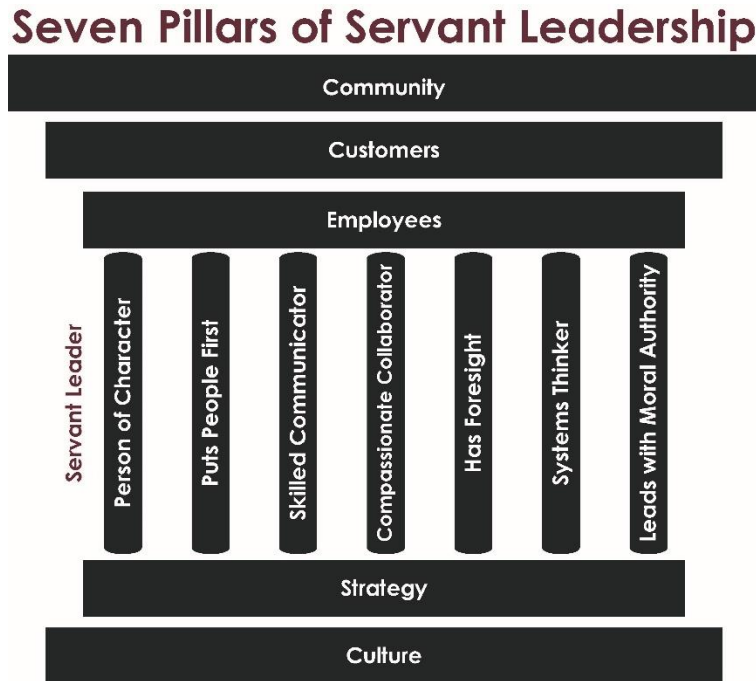
"Level 5 leaders channel their ego needs away from themselves and into the larger goal of building a great company. It's not that Level 5 leaders have no ego or self-interest. Indeed, they are incredibly ambitious – but their ambition is first and foremost for the institution, not themselves."⁴²

This is but one of the variations of the servant leadership. This is echoed in Stephen Covey's Seven Habits and many other publications on the topic of leadership. One other such notable example is the Seven Pillars of Servant Leadership by James W. Sipe and Don M. Frick. Building upon the work of Greenleaf and others, Sipe and Frick define a servant leader as a "*person of character who puts people first. He or she is a skilled communicator, a compassionate collaborator who has foresight, is a systems thinker, and leads with moral*

⁴¹ Collins, J. C. (2001). *Good to great: Why some companies make the leap--and others don't*. New York, NY: HarperBusiness.

⁴² Collins, J. C. (2001). *Good to great: Why some companies make the leap--and others don't*. New York, NY: HarperBusiness.

authority.” Shown below, they refer these qualities as the “Seven Pillars of Servant Leadership”.⁴³



Within the framework of the servant leader philosophy, several characteristics, as noted below, can be identified. Compare these to previous qualities and you will note that many overlap among the different theories.

Ten Characteristics of a Servant Leader

1. Listening
2. Empathy
3. Healing
4. Awareness
5. Persuasion
6. Conceptualization
7. Foresight
8. Stewardship
9. Commitment to the Growth of People
10. Building Community⁴⁴

⁴³ Sipe, J. W., & Frick, D. M. (2009). *Seven pillars of servant leadership: Practicing the wisdom of leading by serving*. New York, NY: Paulist Press.

⁴⁴ Spears, L. C. (2010). Character and Servant Leadership: Ten characteristics of effective, caring leaders. *The Journal of Virtues & Leadership*, 1(1), 25-30.

Activity Eight – To Lead or Serve?

3.8 Which Way Do I Go?

At this point, participants might be confused about where to go from here. The activities throughout Section 3 include the posting of traits, behaviors and styles on flipchart paper. The training room walls are likely covered. Faculty should take the opportunity to reflect of what they have heard and discussed up to this point.

There are conflicting ideas as to whether leadership is something you are born with or something you can learn. Whatever view you subscribe to, the takeaway is that everyone has some leadership potential and that leadership training should allow participants to focus on their areas of strength while trying to develop workarounds to their weaknesses. At the end of the day, leadership development is a personal journey and what “works” form person may not work for everyone. Not everyone will succeed but everyone will benefit. This should involve a general discussion about “what works for me” and will provide a segue to the next section that focuses on the leadership roles that exist in the courts.

Courts, as an organization, can and must invest in the leadership development of their staff – judges and managers alike. Courts will only begin to close the leadership gap with consistency and commitment. Leaders who inspire and innovate, who communicate their vision effectively, and who know how to listen and respond thoughtfully rather than react precipitously, are created through training and experience. For those people who are not born as leaders, there is still much to be learned from leadership development training.

Section 4 – Leadership Roles in the Courts

Learning Objectives

As a result of this section, participants will be able to:

5. Design and foster an appropriate organizational culture that encourages and mobilizes change and engages staff;
6. Promote effective communication collaborative decision-making and teamwork;
7. Understand the importance of strategic management that embodies vision and purpose through planning and analysis;
8. Utilize the tools necessary to support a high performance court;

At this point participants should have a grounding in leadership theory and styles. It is not expected that each participant will have identified the style or behaviors that work best for them as that comes later in Section 6. This section focuses on the leadership roles that exist in the courts. Like the styles in the preceding section, a court leader may not exhibit each and every one of these roles. A competent court leader may only be one or two of these roles. While a truly gifted court leader might embody all or most of these, a great court leader

encourages and supports those around them that do embody these roles in order to make up a leadership team. The importance of teamwork in a court setting is discussed more in section 5.

4.1 The Innovator

Court leaders have integrity, embodying honest and ethical behaviors. They recognize and reward excellence on both sides of the predictability and flexibility challenge. Leaders are visible, approachable, and model the behavior that courts need inside and outside of the organization. Leaders are self-aware, work well with others, use effective group processes, and communicate effectively and prolifically. Court leaders have the ability to “transform” their surroundings in an effort to push boundaries, reengineer and create sustainable change.

Taking Risks

To create a vision for the future requires a person who is not afraid to undertake reasonable risks and new ventures, to attempt new initiatives and to fail as new ideas and theories must be advanced and tested. This includes skill in developing and executing sound strategies for achieving the vision and court-wide, system bound goals. Resiliency is an additional requirement – to bounce back from difficulty, disagreement and adversity.

“Courts desperately need risk-taking leaders. Whether they are public or private, organizations that thrive have one common bond: they are spirited and not afraid to take calculated risks. It is not always easy to be a leader of public institutions and take risks. Courts face problems for which there are no simple painless solutions. Not every new court initiative will be a success. However, fear that a failed initiative will generate bad news coverage or, worse yet, public criticism from the other branches of government is chilling. Fear inhibits courts from learning and trying new ways to serve their communities. Limiting initiatives to the sure thing may be the cautious thing to do, but it is not always the right thing to do.”⁴⁵

Reengineering and Change Leadership

Proactive leadership for the court requires the ability to:

- Look beyond today’s crises by being grounded in the present while always anticipating the future.
- Be persistent yet flexible, guide with credibility, respect others, and be accountable for actions.
- Inspire others to act. Leadership that creates and sustains improvements has an inspirational dimension.

⁴⁵ Burke, K. S. (2012). “Leadership without Fear.” *Future trends in state courts 2012*. p. 15. Retrieved from: National Center for State Courts website: http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Leadership-and-the-Courts/~media/Microsites/Files/Future%20Trends%202012/PDFs/Leadership_Burke.ashx

- Influence and empower leaders and followers to work toward mutual goals. While leadership involves power and its use, at its best, it is an influence relationship among leaders and followers that reflects mutual goals and collective results more than hierarchy. Leaders listen and empower others.
- Serve as an effective decision maker, conflict manager, and problem solver.
- Simultaneously create, protect and maintain stability while taking risks, questioning the status quo, and stimulating growth and change.

John Kotter identified 8 stages a leader must take his or her organization through to successfully achieve organizational transformation. This has been updated to the newer enhanced 8-step process that focuses on accelerating change.



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According to Goleman, "Leaders who inspire both create resonance and move people with a compelling vision or shared mission. They embody what they ask others to do and are able to articulate a shared mission in a way that inspires others to follow. They offer a sense of common purpose beyond the day-to-day tasks, making work exciting."⁴⁷

The court leader must be a change agent. Court leaders must be willing to be transformers and embrace innovation and change—in other words, to be a thought leader.

Traits of a Change Agent

⁴⁶ Kotter, J. P. (2012). *Leading change*. Boston, MA: Harvard Business Review Press.

⁴⁷ Goleman, D., Boyatzis, R. E., & McKee, A. (2013). *Primal leadership: Learning to lead with emotional intelligence*. Boston, MA: Harvard Business School Press.

- Values – they have sound core beliefs
- Voice – they communicate well
- Thinking – they ask the difficult questions
- Acting – they act with purpose
- Competence – they demonstrate their belief in themselves and others
- Forward-Looking – they have a vision of the future
- Reflection – they create time for reflection
- Renewal – they take time to rest and rejuvenate⁴⁸

Leaders are able to promote change and encourage processes to adapt to changing circumstances. High performing courts and their leaders embrace change and are able to build a results-oriented court organization. A court leader should be familiar with the lessons in the NACM Guide *Steps to Reengineering: Fundamental Rethinking for High-Performing Courts*.⁴⁹

John Kotter, a noted leadership trainer, notes the importance of change leadership as opposed to change management. While change management focuses more on the process of change in order to ensure the change occurs orderly while minimizing problems, it is change leadership that is needed for true holistic change. As Kotter explains:

“The world, as we all know, doesn’t do much change leadership, since change leadership is associated with the bigger leaps that we have to make, associated with windows of opportunity that are coming at us faster, staying open less time, bigger hazards and bullets coming at us faster, so you really have to make a larger leap at a faster speed. Change leadership is going to be the big challenge in the future, and the fact that almost nobody is very good at it is—well, it’s obviously a big deal.”⁵⁰

4.2 The Motivator

Leaders develop a work environment that is supportive to teams and workflow. As noted in the *2015 Trends in State Courts*, “For court managers and leaders, it is essential to have an engaged workforce with meaningful work measures and training to sustain them.”⁵¹

⁴⁸ Conner, M. E. (2015). Judicial educator: Change leader. *Journal of the International Organization for Judicial Training*, 1(3), 6-15. Retrieved from: <http://www.iojt.org/journal/iojtjournal003~20150427.pdf>

⁴⁹ Retrieved from: <http://nacment.org/publications/index>

⁵⁰ Kotter, J. P. (2011, July 12). *Change management vs. change leadership -- what's the difference?* Retrieved from: <http://www.forbes.com/sites/johnkotter/2011/07/12/change-management-vs-change-leadership-whats-the-difference/>

⁵¹ Verborg, R. J., & Zastany, R. A. (2015). “Getting beyond satisfaction to the engagement of court employees.” *Trends in state courts 2015: leadership & technology*. Retrieved from: National Center for State Courts website: http://www.ncsc.org/~media/Microsites/Files/Trends%202015/GettingBeyond_Verborg%20and%20Zastany.ashx

As Judge Kevin Burke notes, “To achieve excellence, our courts need strong leaders, and authentic leaders do not fear failure, but solve problems by creating initiatives and taking risks. Through leadership without fear, they *motivate* and engage those around them, create a culture of trust, and build legitimacy for the institution as a whole.”⁵²

Looking back at the behaviors of leaders, nearly all focus on the caring and encouragement that leaders provide in pushing those that follow them to achieve more and perform better. The notion of the Motivator is an extension of this thinking. A court leader will motivate court staff and team members to accomplish the goals set out for them.

Seven Steps in Motivating

1. Develop a Strategy
2. Understand the Context
3. Respect the Culture
4. Build the Model
5. Work the Data
6. Keep it Simple
7. Find the Balance

People will do what you want if they...

- Are capable
- Have well defined jobs
- Know what is expected of them
- Have the knowledge and skills to perform
- Have adequate tools
- Receive feedback on performance
- Perceive rewards for performing as desired.⁵³

4.3 The Communicator

Communication matters! Books abound on the subject of how to communicate effectively and with purpose. Communication is also as much about expressing a thought as it is about active listening. It is no different with leaders in the courts. However, courts, through their leaders, must have a bigger voice. Garrett M. Graff notes in *Courts are Conversations* that:

“Communication is central to a court’s very being. In fact, courts are among the most critical forums for conversation in a civilized society. They are the place to which society

⁵² Burke, K. S. (2012). “Leadership without Fear.” *Future trends in state courts 2012*. Retrieved from: National Center for State Courts website: http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Leadership-and-the-Courts/~media/Microsites/Files/Future%20Trends%202012/PDFs/Leadership_Burke.ashx

⁵³ Straub, D. H. (2005). *Voice lessons*. 3rd Edition.

has delegated the responsibility to bring sparring partners together, convene a conversation, and adjudicate differences.”⁵⁴

This emphasizes the necessity that courts, and their leaders, must be “engaged” and have a commitment and strategy to communicate – both to listen attentively and share information and to do this inside *and* outside the organization. This is especially important in a digital, electronic everything age. Likewise, this is reiterated by how Supreme Court opinions can and should be used to protect and promote fair and impartial courts.⁵⁵ This same burden is on the shoulders of court leaders.

Effective court leaders know and use six communication fundamentals to support the purposes and responsibilities of courts. (For more information on communication fundamentals, see NACM’s Public Relations competency and curriculum design.)

Fundamentals of Communication for Court Leaders

1. Be positive in your message
2. Be credible
3. Be honest
4. Be accessible
5. Be open
6. Be understandable
7. Be relevant to, responsive to, and appropriate for the audience.

Perhaps the most important fundamental for the court leader is the last item – being relevant. Court leaders have the court’s best interest in mind as well as the “big picture” and are able to craft messages for the media and public that a tailored for the audience and content.

Court leaders must recognize the importance of understandable courts and know how to assess the court’s understandability and ease of use for average citizens. They and other court officials, both judges and staff, increase the community’s understanding of, access to, and ease of use of the courts.

⁵⁴ Graff, G. M. (2013). Courts are conversations: an argument for increased engagement by court leaders.

Perspectives on State Court Leadership. Retrieved from:

<http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Harvard%20Executive%20Session/CourtsareConversation.ashx>

⁵⁵ Vickrey, W. C., Denton, D. G. & Jefferson, W. B. Opinions as the voice of the courts: how state supreme courts can communicate effectively and promote procedural justice. *Perspectives on State Court Leadership*. . Retrieved from:

<http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Harvard%20Executive%20Session/NCSC-Harvard-003-Opinion-Online.ashx>

Community Engagement

Court leaders must plan, create, develop, and implement effective and affordable community outreach and establish and maintain a free flow of information between the court and the public. Court leaders not only educate and inform the public; they learn from and improve the court through community outreach.

Court leaders are responsible for leading Court Community Communication regardless of whether or not they have staff to do this. To do so, they must ensure that communications fit with the court purposes, people, processes, and operations that they support. Effective courts ensure that court community communication needs are assessed and prioritized, and that programming to meet those needs is well-managed and evaluated. Courts across the country have improved public trust and confidence by establishing community dialogue. High performing courts and their leaders must be good communicators. A court leader should be familiar with the lessons in the NACM Guide *Community, Creativity, Collaboration – A Community Dialogue for the Courts*.⁵⁶

Court leaders must understand public perceptions of courts and be able to assess and respond to the information needs of multiple constituencies. Effective courts plan, package, and deliver messages in positive and understandable ways by diverse means. They effectuate a higher level of public understanding of and satisfaction with the judiciary. This discussion benefits from an understanding of marketing and public outreach. Numerous examples can be given and each will have utility depending on the topic, the audience and the message. A good leader must be flexible in their communication style.



Court leader relationships with the news media must be positive and proactive. Courts should have a media plan to promote public understanding and respect through the news media. NACM's Core curriculum design and competency on Public Relations provides a more in-depth discussion of media plan development. This includes having systems in place to respond to

⁵⁶ Available at: <https://nacmnet.org/publications/index.html>

media inquiries in a timely manner. A court leader should be familiar with the lessons in the *NACM Media Guide for Today's Courts*.⁵⁷

Reading the Room

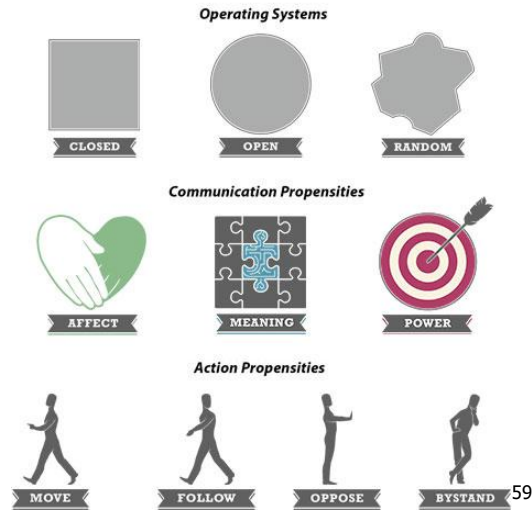
One the hallmark attributes of both a good communicator and a good leader is the ability to “read the room”. A good leader has the ability to quickly understand or comprehend the prevalent emotion or thoughts of the people in the room. But it does not end with just reading the room but carries on with the ability to communicate effectively to the diversity of people in the room.

David Kantor, a noted consultant and leadership trainer, is the author of Reading the Room: Group Dynamics for Coaches and Leaders. This book provides a great foundation for a discussion of this topic. Building from a concept called structural dynamics, the idea is that a good communicator leader can assess the types of communication needed based on the people present and the issues at hand. As Kantor describes:

“Every speech act can be categorized as having one of four types of action (being a mover, opposer, follower, or bystander); one of three types of content (power, meaning, or affect); and one of three types of paradigms, or rules for establishing paradigmatic legitimacy (open, closed, or random). These categories combine into 36 kinds of speech acts, which are the building blocks of human interaction. They can be deliberately sequenced to set the direction of a conversation. Intervening with the right speech act at the right moment can catalyze a shift in thinking or action for everyone in the room.”⁵⁸

⁵⁷ ibid

⁵⁸ Kleiner, A. (2013, May 28). The Thought Leader Interview: David Kantor. *Strategy+business magazine*, 2013(71). Retrieved from <http://www.strategy-business.com/article/00154?gko=d4421> <http://www.strategy-business.com/article/00154?gko=d4421>



Those leaders who are able to “read the room” are able to quickly assess the following:

- “How often do I/does my team member initiate topics, agree with or carry forward the direction others suggest, challenge directions other suggest, stay back to observe others’ without commenting much, or observe and then make comments about the nature of the conversation?”
- Who is actively participating in the conversation? Is this typical of how the group interacts?
- Do I/does my team member prefer that everyone contribute to a conversation, or get faster conclusions without hearing it all?
- Do I/does my team member prefer to talk about material issues—money or timing—emotional issues, or theoretical issues?
- How often are there clashes between members based on differences in preferences to talk about material, emotional, or theoretical issues?
- How does my own preference to speak about material, emotional, or theoretical issues affect whom I support in conversation and whom I do not?
- Are individuals/am I moving fluidly between different communication preferences or are they/am I locked into one?”⁶⁰

4.4 The Collaborator

Consensus Builder and Collaborator

This acknowledges the need for a leader to be able to develop and build group consensus, inspire trust, vision and support from all justice system participants, and to develop plans that can be implemented by virtue of the consensus that surrounds them. The court leader must

⁵⁹ The Kantor Institute. The Structural Dynamics Theory. Retrieved from:

<http://www.kantorinstitute.com/fullwidth.html> <http://www.kantorinstitute.com/fullwidth.html>

⁶⁰ Kantor, D. (2012). *Reading the room: Group dynamics for coaches and leaders* (First edition.). San Francisco, CA: Jossey-Bass. Retrieved from <http://www.thoughtleadersllc.com/2012/10/how-to-do-a-better-job-of-reading-the-room/>

understand the dynamics of organizational change, and leverage it. Collaboration, diplomacy and political savvy will come into play for the successful executive to work effectively through coalitions.

Collaborative Practices for Modern Court Leaders

- Build Support
 - Secure support from the judicial leaders
 - Ensure the necessary resources are in place
 - Train to manage collaboratively
- Establish Relationships
 - Build the bridge before you need to cross it
 - Know the key players
- Facilitate Action
- Define network goals and mission
 - Assess situation and match strategy to circumstances
 - The interpersonal approach matters
- Evaluate Progress
 - Document collaborative activity
 - Engage in continuous evaluation
 - Engage in reflective practice⁶¹

Daniel Goleman introduces the different leadership styles that are at work in a collaborative or team setting.⁶²

The Six Leadership Styles at a Glance

Our research found that leaders use six styles, each springing from different components of emotional intelligence. Here is a summary of the styles, their origin, when they work best, and their impact on an organization's climate and thus its performance.

| | Coercive | Authoritative |
|--|--|--|
| The leader's modus operandi | Demands immediate compliance | Mobilizes people toward a vision |
| The style in a phrase | "Do what I tell you." | "Come with me." |
| Underlying emotional intelligence competencies | Drive to achieve, initiative, self-control | Self-confidence, empathy, change catalyst |
| When the style works best | In a crisis, to kick start a turnaround, or with problem employees | When changes require a new vision, or when a clear direction is needed |
| Overall impact on climate | Negative | Most strongly positive |

⁶¹ McLaughlin, B. J. (2015). Collaborative practices for modern court leaders. *Trends in state courts 2015: leadership & technology*. Retrieved from: <http://www.ncsc.org/~media/Microsites/Files/Trends%202015/Trends%20in%20State%20Court%202015%20Web.ashx>

⁶² Goleman, D. (2000, March). *Leadership that gets results*. Retrieved from: <https://hbr.org/2000/03/leadership-that-gets-results>

| Affiliative | Democratic | Pacesetter | Coaching |
|--|---|---|--|
| Creates harmony and builds emotional bonds | Forges consensus through participation | Sets high standards for performance | Develops people for the future |
| "People come first." | "What do you think?" | "Do as I do, now." | "Try this." |
| Empathy, building relationships, communication | Collaboration, team leadership, communication | Conscientiousness, drive to achieve, initiative | Developing others, empathy, self-awareness |
| To heal rifts in a team or to motivate people during stressful circumstances | To build buy-in or consensus, or to get input from valuable employees | To get quick results from a highly motivated and competent team | To help an employee improve performance or develop long-term strengths |
| Positive | Positive | Negative | Positive |

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According to Goleman, "Leaders who are able team players generate an atmosphere of friendly collegiality and are themselves models of respect, helpfulness, and cooperation. They draw others into active, enthusiastic commitment to the collective effort and build spirit and identity. They spend time forging and cementing close relationships beyond mere work obligations."⁶³

4.5 The Visionary

Without vision, people and organizations stagnate. Like business, courts may fail from a lack of leadership with a vision more readily than they will from a lack of resources, technical knowledge, or even effort.⁶⁴ (See Purposes and Responsibilities of Courts curriculum design and Core competency for additional information.) Effective court leaders understand that vision and purpose are critical and practical. Strategic plans and initiatives are created, communicated, understood, and implemented. Resources are concentrated on critical priorities. Leaders use the power of their office to motivate and to focus individual and departmental contributions to courts and court systems. They allow, require, and inspire individuals to contribute to the judiciary's enduring missions and values.

Create Vision with Focus

Leaders align individual performance and broad court purposes. They create vision; establish action plans that support this vision; and, with the help of others, clearly communicate the roles of departments and individuals in attaining the vision. Power and participation are balanced. Leaders think in the long term and focus their own efforts and the efforts of others on core court purposes and the need to transition from the present to an inspired future.

⁶³ Goleman, D., Boyatzis, R. E., & McKee, A. (2013). *Primal leadership: Learning to lead with emotional intelligence*. Boston, MA: Harvard Business School Press.

⁶⁴ Myatt, M. (2012, January 12). Businesses don't fail – leaders do. *Forbes*. Retrieved from: <http://www.forbes.com/sites/mikemyatt/2012/01/12/businesses-dont-fail-leaders-do/>

Indicators of Progress toward Creating a Vision and Plan

Among the indicators as to whether or not a leader demonstrates these competencies are:

1. ***Creation of Planning Culture*** - In order to lead in this area, the leader must help create a court culture that is receptive to planning and be committed to it as a leadership tool. Members of the organization, and the justice coalition, should be able to articulate the vision, plan and direction, and understand how their role supports strategic goals.
2. ***Institutionalization of a Strategic Planning Process*** - Planning cannot be a "one and done" proposition; it must be inculcated and anchored into normal, routine, and operational activities of the court. (See NACM's Core Competency on Strategic Planning and the related curriculum design.) The court administrator takes a leadership role in developing strategic plans with scheduled frequency (e.g., every 3-4 years) and in monitoring these plans on a periodic basis. In addition, the leader should ensure that the court and system partners periodically participate in an environmental scanning exercise to define the major trends affecting society and the courts. The proactive court administrator regularly monitors professional publications, takes an active role in these organizations, and participates in conferences, makes presentations, or studies and evaluates events and developments affecting courts and court leaders.
3. ***Leadership in Alignment with the Strategic Plan*** - Plans cannot be documents completed for show. The leader must ensure that operational activities of the organization are managed to the plan, that system partners are united in the course, and that management actions and policy decisions are directed toward accomplishment of, and in support of, the planned activities. This includes successful execution and follow-through on strategic priorities, items that articulate and demonstrate innovations linking to the plan, so that the plan does not serve merely as an academic exercise. (See NACM's Strategic Planning curriculum design and Core competency for more information.)

Court leaders create the environment that encourages and sustains a vision and strategic plan. Like leadership development, strategic planning is a continual process of self-improvement and learning what works and what does not. Court leaders are proactive in making the future that we *want* to be a part of.

Plan for Succession

Leaders plan to the future. They plan for who will follow them to carry on the mission. Succession planning is a proactive, systematic approach for ensuring that an organization has a steady, reliable pipeline of people ready to meet the organization's future needs in leadership and other key roles. A court leader should be familiar with the lessons in the NACM Guide *Succession Planning: Workforce Analysis, Talent Management and Leadership Development*.⁶⁵ Among the benefits include:

⁶⁵ Available at: <https://nacmnet.org/publications/index.html>

1. Retaining institutional knowledge and memory
2. Maintaining continuity in key positions
3. Providing employees with career development and opportunity

4.6 The Strategist

The court leader not only manages the court but also must provide “leadership.” Whereas management is primarily about directing how the organization accomplishes its mission, leadership is about establishing a strategic course for an organization, communicating that direction to internal and external stakeholders and engaging them to work collaboratively toward achieving the organization’s mission. Effective court leadership is exemplified through strategic thinking, planning and action—all of which are critical components for the creation of a vision and plan to lead the court.

To fulfill this role, the court leader needs to focus on creating and sustaining a strategic vision for the court. This requires the court leader to demonstrate creativity, stamina, drive, conceptual and analytic skills as well as the ability to execute. A court leader who is competent in these areas is well-positioned to work as a leadership partner with judicial officers, to assess and respond to trends, to promote overall court capacity, and to guide the court in achieving its mission.

Leadership is particularly challenging in the court environment, as courts are among the most complex organizations in society. Court administrators, as leaders, require a very different set of abilities than mid- or department-level court managers. With pressures for accountability, resource justification and operational efficiency, senior leaders must be adept at and demonstrate advanced abilities. In addition, court leader must be able to: work with and through the chief judge and judicial leadership of the court; engage and collaborate with the court’s management team, or appropriate staff; and demonstrate command of the court purpose and broad operational goals.

The court leader as a strategist is more than just about creating a vision and a strategic plan. It is about a mindset of thinking strategically in all that the leader does. That is, always keeping the big picture in mind while working towards the vision of the future through the actions of today. For example, some essentials of this mindset include:

- “Understand Purposes of Courts
- Work with Orders to Create Clear Vision
- Take Actions that Reflect Strategic Intent
- Think in the Long-Term, Anticipate Needs
- Create Priorities, Concentrate Resources
- Communicate With and Motivate Everyone”⁶⁶

Leadership through Strategic Thinking and Planning

⁶⁶ Institute for Court Management. (2012). The voice of an organization: practicing strategic management.

Court leaders at the executive level must possess sophisticated and advanced skills to ensure a well-functioning court. Management is primarily about directing how the organization accomplishes its mission, while leadership is about establishing strategic course for an organization, communicating that direction to internal and external stakeholders, engaging them to work collaboratively for a desired future. An essential competency critical to the senior court leader is the ability to create a vision and plan to lead the court. Elements of this ability include creativity, stamina, drive, conceptual and analytical skills, and more importantly the ability to execute. These position the court executive for co-leadership with judicial officers, to assess and respond to pressures, trends, and to operate effectively in the broader justice system. The ability to create a vision and strategic plan drives all operational aspects. It also lets the leader demonstrate operational focus while pursuing innovation and excellence.

For court administrators to be able to create a vision and plan to lead the court they must possess the ability to strategically orient themselves.

The top court executive must seek innovation and imagine different futures. The leader must incorporate the past and present with a hypothesis of the future in order to make better decisions. That person must be a champion in the creation of a strategic plan as a critical tool that will guide the organization towards a desired future. The leader should have a commitment to the long range future of the organization, rather than merely the daily routine, particularly given the relatively short terms for many judicial leaders. The court executive must be an inspirational change agent embracing and recognizing change as an ongoing dynamic within court systems. Related strengths include mastery of critical analysis of data and trends, and skill in obtaining and assimilating large amounts of information.

Critical Role of Strategic Management

1. Focus on the Mission
2. Commit to Strategic Management
3. Keep the Plan Strategic
4. Ensure that Leadership is Committed
5. Seek Broad Input to Develop the Strategic Agenda
6. Share Responsibility for Implementation
7. Enhance Purpose and Contribution Through Line of Sight
8. Align Court Operations to the Strategic Plan
9. Track Progress with Performance Measures
10. Communicate, Communicate, Communicate⁶⁷

From the leadership perspective, strategic planning is critical. Without it, leaders do not have a roadmap to follow. (NACM's Strategic Planning curriculum design and Core competency provide additional detail on this subject.)

Activity Nine – What's Trending Now?

⁶⁷ Washington, E. T. & VanDeVeer, L. R. (2013). Sustainable court governance: the critical role of strategic management. *Perspectives on State Court Leadership*. Retrieved from: <http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Harvard%20Executive%20Session/Sustainable-Court-Governance.ashx>

4.7 The Diagnostician

While perhaps a dated term, a diagnostician is a person who conducts analysis to determine the causes of an issue or problem. This is different than analysis alone such as performance measurement or tracking data. The court leader understands analysis such that he or she can identify why and how things are working and what is needed to be make the system better. Take, for example, a doctor who does not want to just treat the symptoms of an illness but who wants to treat the underlying causes of the illness. So too does a court leader need to fully understand the issues faced by the court or a particular program or issue.

The diagnostician is always looking at:

- What do our customers or consumers want?
- Are we holding ourselves accountable?
- Are our resources being fully utilized?
- What are we doing to improve the situation around us?

The bottom line is that:

- The things that get measured get done
- The things that get noticed get done
- What you count counts
- The things that get rewarded get done.

Because there is no one best way to manage courts, court managers must use hard and soft data to analyze unique court management circumstances and conditions. Reliable data and informed analysis produce the basis for accountability and continual improvement.

The effective court leader values and uses processes and skills that measure court performance and progress toward stated goals, using forecasts of future needs and conditions. Leaders act on the needs and expectations of the public and regular court users. Leaders analyzes political conditions and anticipates developments. Leaders has the ability to separate out important facts and findings, and trivial and self-serving observations from critical data.

Leaders make sure their metrics are aligned to the goals of the organization by:

- Setting clear expectations
- Communicating expectations
- Setting clear priorities that are communicated
- Collecting the right information
- Communicating the right information
- Providing direct, immediate, visible consequences⁶⁸

⁶⁸ Straub, D. H. (2005). *Voice Lessons*. 3rd Edition.

The above work of a court leader ties back in to the leadership styles discussed earlier. Here, we see examples of behavioral/transactional and transformative styles as well as links to key roles as a communicator, motivator and strategist.

Court leaders are also proficient in holding their courts and programs accountable. This can be accomplished in a number of different ways. Of important note is the use of the National Center for State Courts' CourTools.

"CourTools enables courts to collect and present evidence of their success in meeting the needs and expectations of customers. Basic indicators of court performance are a necessary ingredient of accountability in the administration of justice and effective governance of the third branch. Moreover, performance measures provide a structured means for courts to communicate this message to their partners in government. CourTools should appeal to judges and administrators interested in setting the agenda of policy discussions and evaluations of institutional performance. Designed to demonstrate the quality of service delivery, CourTools fosters consensus on what courts should strive to achieve and their success in meeting objectives in a world of limited resources." For more information, please visit <http://www.courttools.org>

In addition to CourTools, other measures include drug and mental health court performance measures, model time standards, workload assessments, court culture assessments and various caseload indicators.⁶⁹ Metrics present an opportunity for court leaders to be change agents and risk takers.⁷⁰ Both are traits of good leaders.

Court leaders must be prepared to ask questions. As Janet Cornell noted in the *Court Manager*, "Proactive leaders keep asking questions until they know how and why that critical information is influencing or affecting the operation of the court."⁷¹ And while asking questions is important, just as important is actively listening and engaging in dialogue.

12 Smart Questions Every Court Leader Needs to Ask

1. What is our purpose, our mission and vision?
2. How are we doing?
3. What do our users, customers, stakeholders have to say about how we are performing?
4. Where do we need to revamp or refresh our operations?
5. What prevents us from making the changes necessary?
6. What changes have we made in the last reporting period?
7. Are we continually assessing ourselves?
8. Did we make progress in our operation today?
9. Are we leveraging our limited resources and talents?

⁶⁹ For more information, visit <http://www.ncsc.org/Information-and-Resources/High-Performance-Courts.aspx>

⁷⁰ Cornell, J. G. (2014, May). Evidence based management for tomorrow's successful court leader. Retrieved from: <http://www.ncsc.org/sitecore/content/microsites/future-trends-2013/home/Monthly-Trends-Articles/Evidence-Based-Management-for-Tomorrows-Successful-Court-Leader.aspx>

⁷¹ Cornell, J. G. (2015). 12 smart questions every court leader needs to ask. *Court Manager*, 30(2), 24-26.

10. How do we sustain changes and enhancements so we are continually improving?
11. What is the message we need to give about how our court performs?
12. Is there anything else that we should be asking of our operation?⁷²

For more information, please also see the Accountability and Court Performance competency. A court leader embraces and encourages the work of the court to be measured and transparent. Court leaders do this by not only creating the organizational culture where such activity can thrive, but also by demonstrating such skills and abilities themselves. This often involves more than a rudimentary level of understanding in areas such as program evaluation, quantitative and qualitative research, and statistics or data analysis.

Create a High Performing Court

Leadership differs from management, yet they go hand-in-hand in high-performance courts. Leadership is necessary to vision and to promote needed change and growth. Management is required to pace it, to deal with complexity, and to coordinate disparate work processes. Effective courts and court executive teams stand out both in maintaining routines and bringing about needed change. Power is used, but it is a team and court-wide effort. Successful courts have leaders who inspire trust and teamwork and who understand group process and use groups well. Initiative is encouraged. Innovation is pushed. Excellence is demanded, recognized, and rewarded. Leaders understand other's needs and talents. They excel in "servant" leadership. They both lead and serve others.

The court leader promotes a high performance court environment, recruiting, selecting and developing the court's personnel knowing that thought, decisions, and discretion are best not concentrated at the very tip of the judicial hierarchy. Initiative is encouraged in the understanding that courts must leverage scarce resources, both human and otherwise. Innovation is not only allowed and encouraged; it is expected.

High performing courts might also follow the steps of the "High Performance Court Framework" that includes:⁷³

1. Focusing on key administrative principles that clarify high performance,
2. Understanding how a court's managerial culture can promote common goals and collegial cooperation,
3. Developing the capacity to measure performance
4. Learning to use the results for procedural refinements and communication with a variety of stakeholders.

Court leaders should also be familiar with a variety of other frameworks, guidelines and principles for effective management and leadership of courts and court projects. These include, among many others:

⁷² Cornell, J. G. (2015). 12 smart questions every court leader needs to ask. *Court Manager*, 30(2), 24-26. *ibid*

⁷³ Hanson, R. (2010). Achieving High Performance: A Framework for Courts. Retrieved from:

<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1874>

- Court Technology Framework⁷⁴
- International Framework for Court Excellence⁷⁵
- Guidelines for Implementing Best Practices in Court Building Security⁷⁶
- Principles for Judicial Administration⁷⁷

Court leaders are highly encouraged to be familiar with the lessons learned from the Harvard Executive Sessions on court leadership.⁷⁸ Topics covered included:

- The use of budget crises as adaptive challenges to court leaders,
- Identification of essential principles for effective court governance,
- The tension between problem solving and decision making,
- The challenges social media pose to court legitimacy,
- How courts defend themselves from political attack, and
- The notion of chief justices as civic leaders.

Likewise, good court leaders are familiar with the continuing education that NACM provides and the host of management topics covered in its guides and publications.

4.8 The Statesman

Think for a moment about most of the great political and governmental leaders. You can conjure up former presidents, world leaders and peace activists. One of the terms that comes to mind when thinking about such figures is the image of the statesman. Merriam-Webster defines a statesman as “a usually wise, skilled, and respected government leader.”⁷⁹ Is that not what a great court leader is? Someone who is wise, skilled and respected? Sure, a leader can be any one of those but great leaders are all of those. At the end of the day, those who are respected (i.e., trusted), for being wise skilled (i.e., credible) are those who will be followed.

⁷⁴ National Center for State Courts. Court Technology Framework. Retrieved from: <http://www.ncsc.org/services-and-experts/technology-tools/court-technology-framework.aspx>

⁷⁵ *The International Framework for Court Excellence* (2nd ed.). (2013). National Center for State Courts. Retrieved from: <http://www.courtexcellence.com/resources/the-framework.aspx>

⁷⁶ National Center for State Courts (2010). *Guidelines for Implementing Best Practices in Court Building Security: Costs, Priorities, Funding Strategies, and Accountability*. Retrieved from: <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/facilities/id/153>

⁷⁷ National Center for State Courts. (2012). *Principles for judicial administration*. Williamsburg, VA. Retrieved from: http://www.ncsc.org/Information-and-Resources/Budget-Resource-Center/Analysis_Strategy/Principles-of-Judicial-Administration.aspx

⁷⁸ National Center for State Courts. Harvard Executive Session for State Court Leaders in the 21st Century, 2008-2011. Retrieved from: <http://www.ncsc.org/Services-and-Experts/Court-leadership/Harvard-Executive-Session.aspx>

⁷⁹ <http://www.merriam-webster.com/dictionary/statesman>

Effective court executives are action and results oriented. They understand themselves and demonstrate personal integrity. Judicial insiders and outsiders know what successful court leaders believe in and what they will do. They are transparent. Clearly court leaders without technical skills are not credible. Just as clearly, however, character, trustworthiness, honesty, accountability, and ethical behavior create credibility, regardless of the court leader's brainpower or technical skills.

Courts must be accountable. Accountability provides the rationale for court control of the pace of litigation, the tracking of case disposition times, and adherence to law and judicial decisions in individual cases. The judiciary establishes and maintains its boundaries but it also assesses and reports on its performance, its use of public resources, and its conformance with its assigned responsibilities and the law.

Stephen M.R. Covey sums up the importance of trust in leadership as follows: "The first job of any leader is to inspire trust. Trust is confidence born of two dimensions: character and competence. Character includes your integrity, motive, and intent with people. Competence includes your capabilities, skills, results, and track record. Both dimensions are vital." For more on creating an environment of trust, see Covey's book Smart Trust.

Public trust and confidence in the courts is at the core of why we have courts and why they are considered such an important part of our society.⁸⁰ As Alexander Hamilton wrote in Federalist No. 17:

"The ordinary administration of criminal and civil justice . . . is the most powerful, most universal and most attractive source of popular obedience and attachment and ... contributes more than any other circumstance, to impressing upon the minds of the people affection, esteem, and reverence towards the government."⁸¹

We want our courts to be fair and impartial while also being effective and efficient in the administration of justice. Courts resolve society's inevitable conflicts. When they resolve disputes between individuals; individuals and the government, including those accused by the government of violating the law; individuals and corporations, and between organizations; both public and private they do so in ways that preserve the courts independence and impartiality, enduring purposes and continuing responsibilities. The courts mediate society's competing interests. Being a leader of such a system is not a role to be taken lightly given the purpose and responsibilities of our courts.

13 Behaviors of High Trust Leaders

1. "Talk Straight: Tell the truth. Let people know where you stand. Demonstrate integrity.

⁸⁰ See NACM's Core Public Trust and Confidence Competency and curriculum design for more information.

⁸¹ Hamilton, A. (1787). The Same Subject Continued: The Insufficiency of the Present Confederation to Preserve the Union. In *The Federalist Papers* (Vol. 17). The Independent Journal. Retrieved from: http://thomas.loc.gov/home/histdox/fed_17.html

2. Demonstrate Respect: Show you genuinely care. Respect everyone, even those that can't do anything for you. Show kindness in little ways.
3. Create Transparency: Be genuine, open and authentic. Don't hide information or have 'hidden agendas.' Operate on the premise of 'what you see is what you get.'
4. Right Wrongs: Apologize quickly. Make restitution where possible. Demonstrate personal humility. Don't cover things up. Do the right thing.
5. Show Loyalty: Give credit to others. Be loyal to the absent. Represent others who aren't there to speak for themselves. Don't talk negatively about others behind their back.
6. Deliver Results: Establish a track record of results. Accomplish what you are hired to do. Don't over-promise and under-deliver. Don't make excuses for not delivering.
7. Get Better: Continuously learn and improve. Increase your capabilities. Develop formal and informal feedback systems. Thank people for feedback. Act on feedback received.
8. Confront Reality: Meet issues head-on. Address the 'tough stuff' directly. Acknowledge the unsaid. Lead conversations courageously.
9. Clarify Expectations: Disclose and reveal expectations. Discuss and validate them. Renegotiate them if necessary. Ensure expectations are clear.
10. Practice Accountability: Hold yourself and others accountable. Take responsibility for good or bad results. Clearly communicate how everyone is doing.
11. Listen First: Listen before you speak. Listen with your ears, eyes and heart. Diagnose. Don't assume, find out.
12. Keep Commitments: State your intentions and then do it. Make commitments carefully; make keeping your commitments the symbol of your honor. Don't break confidences.
13. Extend Trust: Extend trust abundantly to those who have earned your trust. Extend trust conditionally to those who are earning your trust. Don't withhold trust because risk is involved."⁸²

Honesty is the single most important leadership characteristic. People expect leaders to be truthful and ethical, be consistent between word and deed, and take a stand on important principles.⁸³

Top 4 Characteristics of Admired Leaders (only ones that received 60% or more vote from a list of 20 qualities):

1. Honest - 85%
2. Forward-Looking - 70%
3. Inspiring - 69%
4. Competent - 64%⁸⁴

The takeaway is that credibility is the foundation of leadership!

⁸² Covey, S. M. (2015). *How the best leaders build trust*. Retrieved from: <http://www.leadershipnow.com/CoveyOnTrust.html>

⁸³ Kouzes, J. M., & Posner, B. Z. (2008). *The leadership challenge*. San Francisco, CA: Jossey-Bass

⁸⁴ *ibid*

| Characteristics of Admired Leaders | |
|---|----------------------|
| 26% Ambitious | 85% Honest |
| 40% Broad-Minded | 18% Imaginative |
| 20% Caring | 6% Independent |
| 64% Competent | 69% Inspiring |
| 26% Cooperative | 42% Intelligent |
| 21% Courageous | 18% Loyal |
| 37% Dependable | 16% Mature |
| 28% Determined | 11% Self-Controlled |
| 35% Fair-Minded | 31% Straightforward |
| 70% Forward-Looking | 36% Supportive |

As Judge Kevin Burke states:

“Trust is not a given in a courthouse. Trust is earned, there can be a reservoir of it, and it can be dashed. Trust in part is a willingness to be vulnerable to the actions of others. Trust requires some degree of faith that positive expectations will be met, and trust is a belief in the goodwill of the people with whom you work. For court leaders to achieve courthouse trust, they need to perform competently. They need to communicate honestly and openly. They need to share and delegate control. Above all, they need to show genuine concern for others. Trust enhances loyalty.”⁸⁵

Dan Straub, Dean of the ICM Fellows Program states that:

“The last law of leadership is really the entrepreneurial principle, the old biblical law of reciprocity. You have to give in order to get. Nothing ventured, nothing gained. If you want respect, you have to give it first. If it’s loyalty you seek, you have to be loyal first. If you want to build trust, you have to be trustworthy.”⁸⁶

Likewise, without good ethics it is difficult for a leader to develop integrity and authenticity, and many other characteristics of a great leader. And without these characteristics it is even more difficult for a leader to develop trust. Trust and credibility are the glue of leadership that makes a leader effective.

Section 5 – Shared Leadership in the Courts

Learning Objectives

As a result of this section, participants will be able to

9. Determine the relationships and connections needed to be effective in an interdependent judicial system

The “contriving” American constitutional structure gives the judiciary’s relationship with its co-equal partners a distinctive flavor. Court leaders must be independent and cooperative. They must be above the fray even as they build and maintain boundaries and seek and achieve public trust and confidence. Court leaders have passion for justice and court purposes and responsibilities, and bring pride to everyday routines and jobs. They require ethical conduct and ensure that the court’s integrity is pure.

⁸⁵ Burke, K. S. (2012). Leadership without Fear. *Future trends in state courts 2012*. Retrieved from: National Center for State Courts website: http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Leadership-and-the-Courts/~media/Microsites/Files/Future%20Trends%202012/PDFs/Leadership_Burke.ashx

⁸⁶ Straub, D. H. (2009). Paying attention: Leadership for tough times. *Court Manager*, 24(4), 5-9. Retrieved from: <https://nacmnet.org/sites/default/files/images/PayingAttention.pdf>

As noted in *Herding Lions: Shared Leadership of State Trial Courts*, judges and administrators have a “collective responsibility” to lead the courts. The hallmarks of such shared leadership is based on:

- Strong sense of shared court mission
- Common organization vision
- Mutual respect and trust
- Open channels of communication⁸⁷

Leadership requires that people work beyond their boundaries. That is, a court leader understands that to accomplish their mission and goals, they must often rely on people and organizations beyond their span or control. This means that court leaders have to work collaboratively with others in order to get things done. Working collaboratively requires:

- Building relationships
- Inquiring as to the way to help one another
- Listening attentively
- Understanding interdependencies
- Anticipating the needs of the other group
- Managing expectations, both internal to your organization and externally
- Keeping up the dialogue

In an interconnected environment, leaders can exercise influence through:

- Their organizational structure
- Their Formal authority
- The Power in their Position
- The Power in their Person, or
- Any combination of the above

Furthermore, leadership in the 21st century requires that we:

- Stop concentrating on the leader
- See leadership as an episodic affair of a group (not a desired way of life of a single individual)
- Educate people to use influence, not authority
- Develop people to work in a non-coercive relationship
- Develop people’s collaborative skills
- Build trust among diverse people (leadership relationships are based on mutual trust)⁸⁸

⁸⁷ Mundell, B. R. & Jefferson, W. B. (2013). *Herding lions: shared leadership of state trial courts. Perspectives on State Court Leadership*. Retrieved from:

<http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Jefferson-Mundell-Herding-Lions-Shared-Leadership-of-State-Trial-Courts.ashx>

⁸⁸ Rost, J. C., & Burns, J. M. (1991). *Leadership for the twenty-first century*. New York, NY: Praeger. Pp. 102-103

In other words, teams and groups are as important to leadership as the concept of the leader as an individual.

5.1 Leading through Relationships

Leadership succeeds through effective relationships. Good court leaders understand what they lack in terms of expertise, resources, knowledge or control. Therefore, relationships are necessary to complement and augment what the court leader needs. Notice here that the discussion is not about partnerships – either with individuals or with organizations. Rather, the emphasis is on relationships. The distinction is important as it refers to more than just how the court leader is linked to others. It also involves how the court leader talks, behaves and deals with others.

Dian McLain Smith, a management consultant, says of relationships that “[t]hey determine who gets what information, what issues get raised, how quickly decisions get made, whether and how fast changes take place, which opportunities get identified or overlooked, who has the power to get things done—all of it shaping the fate of leaders and organizations.”⁸⁹

Smith further discusses some strategies for leaders to consider when building relationships:

- Turn Rivals into Allies – seek out those who may have counter opinions yet who are influential in their own right
- Keep Both the Mission and the Relationship in Mind – develop a relationship through shared goals while not violating your own core values
- Focus on Relationships, Not Just Individuals – Use the relationship to move through obstacles that the other side may be stuck on
- Target and Invest Only in Strategically Critical Relationships – invest in the relationships that provide the most value; and
- Take a Relational Perspective – view the issue through the other’s eyes⁹⁰

In short, successful relationships require:

- Partnership
- Interdependence
- Integration
- Shared Knowledge
- Common Systems
- Trust⁹¹

⁸⁹ Smith, D.M. (2015). The power of relationships. Retrieved from:

<http://dianamclainsmith.com/relationships/the-power-of-relationships/>

⁹⁰ Smith, D. M. (2008, June 16). *Leading through relationships*. MANAGEsmarter. Retrieved from

http://dianamclainsmith.com/wp-content/themes/dms/pdf/leading_through_relationships.pdf

http://dianamclainsmith.com/wp-content/themes/dms/pdf/leading_through_relationships.pdf

⁹¹ ibid

Rost and Burns, in the book Leadership for the Twenty-First Century, discuss in some detail how important relationships are for good leadership. They indicate that four essential elements must be present for good relationships:

1. Relationships are based on influence and should be:
 - a. Multidirectional.
 - b. Non-coercive.
2. There may be a power imbalance since leaders and followers are the people in this relationship.
 - a. The followers are active.
 - b. There must be more than one follower, and there is typically more than one leader in the relationship.
 - c. The relationship is inherently unequal because the influence patterns are unequal.
3. Leaders and followers must be committed to “intend” to make real changes.
 - a. Intend means that the leaders and followers purposefully desire certain changes.
 - b. Real means that the changes the leaders and followers intend must be substantive and transforming.
 - c. Leaders and followers do not have to produce changes in order for leadership to occur: they intend changes in the present; the changes take place in the future if they take place at all.
 - d. Leaders and followers intend several changes at once.
4. Leaders and followers may develop mutual purposes.
 - a. The mutuality of these purposes is forged in the non-coercive influence relationship.
 - b. Leaders and followers develop purposes, not goals.
 - c. The intended changes reflect, not realize, their purposes.
 - d. The mutual purposes become common purposes.⁹²

5.2 Leading in an Interdependent World

Understanding Interdependencies and the Need to Work beyond the Boundaries

Effective judicial leaders and their executive teams understand constitutional separation of powers, the adversarial process, and politics. Leaders respect the unique role of the judiciary. They anticipate developments that will affect court operations and decision-making interdependencies with other justice organizations, the private bar, and other constituent groups.

Judicial independence requires effective management. This includes coordination of the court’s interdependencies with the executive and legislative branches and the myriad of public and private organizations in the interest of court performance and effective justice. While judicial independence is essential to liberty and justice and while impartiality on a case-by-case basis must be absolute, active leadership of and collaboration with others, both inside and outside the court, is mandatory.

⁹² Rost, J. C., & Burns, J. M. (1991). *Leadership for the twenty-first century*. New York, NY: Praeger. Pp. 102-103.

Leaders in the courts must manage interdependencies while maintaining institutional independence. Often in critical issues when courts are in conflict with other branches over a policy or management issue, the “nuclear” option is bantered about—that is, exercising the court’s role as an independent, co-equal branch of the government. But launching that the nuclear option is a last resort and should only be used sparingly. The reality of today’s world is that there is an expectation that courts partner with the other branches, especially when it comes to issues like criminal justice reform. Such partnerships are increasingly becoming the norm. Gone are the days where the courts can simply play the “we’re independent” card. Court leaders must carefully maintain their independence both as a court and as part of their overall justice system. All of this must be done while addressing what the public expects of the judicial branch such as:

- Courts are accessible
- Courts function transparently
- Courts are accountable
- Courts are engaged with the public they serve⁹³

(For more information on this topic, see NACM Core competencies and curriculum designs on Purposes and Responsibilities and Public Trust and Confidence.)

In this context, court leaders must compete with other publicly funded entities for sustainable court funding and other resources such as staff, security, facilities and technology.

Of particular note is the interdependence of the budget process. Court leaders must maintain independence yet effectively advocate for appropriate resources. This requires court leaders to engage the public while also persuading the legislative decision-makers who control the purse strings. Some important lessons include:

- Understanding the budget process
- Making relationships a year-round process
- Respecting the budget process and those who run it
- Encouraging effective staff-level work
- Proposing a credible budget
- Building coalitions and enlisting partners⁹⁴

Develop a Global Perspective Along with System Wide Outlook

Developing a global perspective along with a system wide outlook requires an outside orientation rather than an isolationist or parochial view. Take this scenario as an example. We

⁹³ De Muniz, P. (2013). Maintaining institutional independence. *Perspectives on State Court Leadership*. Retrieved from:

<http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Harvard%20Executive%20Session/Maintaining-Judicial-Independence.ashx>

⁹⁴ Justice at Stake. (2012). Funding justice: strategies and message for restoring court funding. Retrieved from:

http://www.justiceatstake.org/media/cms/Funding_Justice_Online2012_D28F63CA32368.pdf

may be the leader of our household and know what is going on. But if we want to be more than that and be, say, the leader of the neighborhood watch, we have to have a vision and understanding of what's going on in the whole neighborhood. This means creating good relationships with other neighbors and engaging them to be active in their community, partnering with and sharing information with local law enforcement, outreach to neighbors about crime in the area and much more. So too is the same for good court leaders. Such a perspective requires the leader to think and envision for the whole system for which they have influence over, and not one particular aspect. For sure, a court leader can do well in their particular project but a good court leader has at least an understanding of the bigger picture and where that project fits in. This system perspective also includes comfort with interdependencies and complexities as well as an understanding of trends that impact courts. The system-wide outlook suggests the need to understand that courts are one aspect of the justice system, to have mastered broad knowledge of court operations, and to recognize that the court's planning must incorporate all system stakeholders. Court leaders must have skill and dexterity in seeing the larger picture, the broader 'landscape' in which the court functions, and doing it with focus, purpose and strategic intent.

This view also requires that leaders exercise appropriate restraint. Court leaders must balance independence with accountability and advocacy for the judicial branch's needs.⁹⁵

Maintain a Local Justice Planning Network

Continuous and effective working relationships must be maintained with all justice system stakeholders. The court administrator can demonstrate the development of collaborative relationships with internal and external groups of court stakeholders. Professionalism, ethical principles and competency among internal and external stakeholders must be encouraged. Coordination of actions that support positive external relations are expected. The interdependency of the justice system today requires practical solutions. The trend has been towards planning or coordinating groups. Such groups work together to collaboratively address systemic issues such as community-based treatment for offenders, sharing of data and efficiency efforts. The courts are often seen as the natural leaders of these efforts given their neutral roles in the system. It is an opportunity for court leaders to shine.⁹⁶

5.3 Leading Teams and Groups

Leaders foster teamwork and collaboration among the wide diversity of people and organizations they encounter. They welcome differences, listen attentively, communicate effectively and facilitate problem solving. It should be noted, however, that not all team

⁹⁵ Amestoy, J. (2014). The politics of restraint: state judicial leadership in the 21st century. *Perspectives on State Court Leadership*. Retrieved from: <http://www.ncsc.org/Services-and-Experts/Court-leadership/Harvard-Executive-Session/~media/Files/PDF/Services%20and%20Experts/Harvard%20Executive%20Session/Politics-of-Restraint.ashx>

⁹⁶ For more information on local justice planning bodies, see Borakove, M. E., et al. (2015). *From Silo to System: What Makes a Criminal Justice System Operate Like a System?* Available at <http://www.safetyandjusticechallenge.org/resource/from-silo-to-system-what-makes-a-criminal-justice-system-operate-like-a-system/> Available at <http://www.safetyandjusticechallenge.org/resource/from-silo-to-system-what-makes-a-criminal-justice-system-operate-like-a-system/>

situations are appropriate for the collaborative role. For example, certain crisis, disaster or emergency situations require court leaders to assume a command leadership role in order to properly direct or manage the situation. Like the theory of situational leadership implies, such events are opportunities for proactive leadership. Good court leaders know when to be on the ground in the weeds and when to have a wider “global” perspective.

Leaders have a responsibility to create and encourage high performance teamwork. In his book, *Developing High Performance Teams*, Walter E. Natemeyer discusses the importance of teamwork in organizations. According to Natemeyer, a good leader cultivates teams as teamwork yields advantages such as:

- Higher productivity
- Increased satisfaction of team members
- More innovation and creativity
- Better decisions
- Faster response times
- More commitment of team members
- Increased cooperation among team members
- More growth and development of team members⁹⁷

Further, a good leader is able to build high performing teams.

Eight Key Steps in the Team Building Process

1. Recognition that Team Building is Desirable
2. Assessment of the Team’s Effectiveness
3. Discussion and Analysis of the Assessment Results
4. Clarification of the Team’s Vision, Mission and Values
5. Identifying the Teams Key Goals
6. Development of the Team Action Plan
7. Implementation of the Team action Plan
8. Action Plan Progress Review and Revision⁹⁸

Natemeyer also describes the characteristics of effective teams and in his presentation to NACM in 2012 on the subject provided this outline:⁹⁹

Characteristics of Effective Teams

1. Clear Direction
2. Appropriate Team Composition
3. Commitment to Roles and Responsibilities
4. Effective Communication

⁹⁷ Natemeyer, W. E. (2011). *Developing high performance teams* (2nd ed.). NATD Publications. p. 21.

⁹⁸ Ibid

⁹⁹ *The Court Manager*, 27(3). (2012). Retrieved from:

https://nacmnet.org/sites/default/files/publications/CourtManager/WEB_CM_27%233_Spread_0.pdf

5. Adequate Resources
6. Focus on Quality and Customer Satisfaction
7. Innovation and continuous Improvement
8. Cooperation with Others,
9. Appropriate Consequences, and
10. Positive Results.¹⁰⁰

Characteristics of a High Performance Team

1. Common Purpose
2. Crystal Clear Goals
3. Accepted Leadership
4. Effective Processes
5. Solid Relationships
6. Excellent Communication¹⁰¹

Likewise, U.S. Army (ret.) General Stanley McChrystal notes that team leadership is built on *trust, common purpose, shared consciousness and empowered execution*.¹⁰²

Intergroup Leadership

Leading among diverse groups can be a challenge. "Intergroup leadership is defined as leadership that brings groups together. ... Intergroup leadership can be both an end and a means. Bringing groups together can be a primary goal of leadership."¹⁰³ This form of leadership is often used when dealing with different ethnic or social groups. But the same exists in the court world where court leaders must engage both local groups on social issues as well as executive and legislative groups who may have different agendas and goals. Some tips for intergroup leadership include:

Effective Intergroup Leadership

- **Convening Power** – facilitate a common language or understanding
- **Transcendent Values** – identify common goal
- **Future Orientation** – build a new identity
- **Important Interdependent Tasks** – offer challenging tasks that can only succeed by everyone working together
- **Interpersonal Norms and Emotional Integration** – establish, respect and reward positive behaviors and collegiality

¹⁰⁰ Natemeyer, W. E. (2011). *Developing high performance teams* (2nd ed.). NATD Publications. p. 45.

¹⁰¹ MacMillan, P. (2001). *The performance factor: Unlocking the secrets of teamwork*. Nashville, TN: Broadman & Holman Publishers.

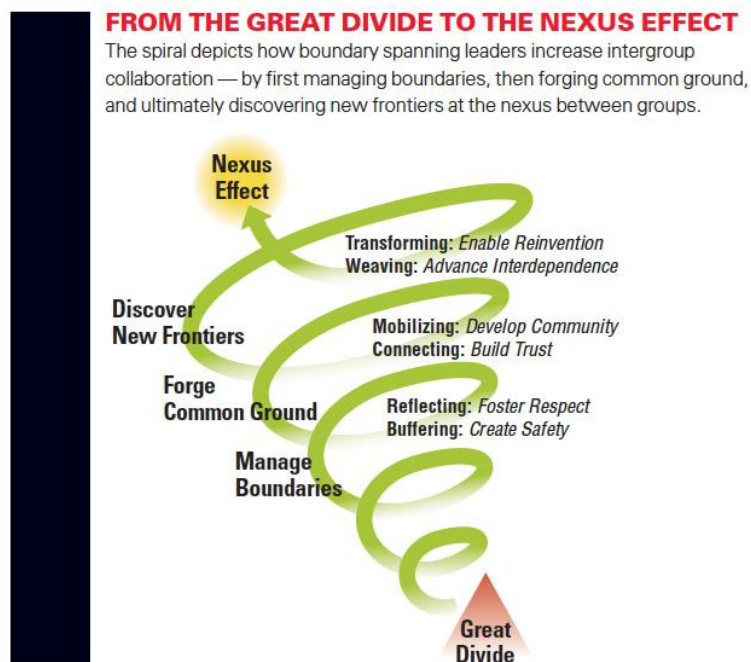
¹⁰² McChrystal, S. A., Collins, T., Silverman, D., & Fussell, C. (2015). *Team of teams: New rules of engagement for a complex world*. New York, NY: Portfolio Penguin.

¹⁰³ Pittinsky, T. L. (2009). *Crossing the divide: Intergroup leadership in a world of difference*. Boston, MA: Harvard Business Press.

- **Inclusiveness and Evenhandedness** – ensure a climate of inclusivity and participation by all.¹⁰⁴

Six Boundary Spanning Practices

1. **Buffering** - shielding group members from external threats or outside influences so that they can develop and maintain a group identity.
2. **Reflecting** - enabling a group to see both sides of an issue or barrier.
3. **Connecting** - forging relationships by creating interpersonal connections.
4. **Mobilizing** - reframing viewpoints to create a new larger identity.
5. **Weaving** - creating an atmosphere where group boundaries interlace yet remain distinct.
6. **Transforming** - reinventing the group to create new identities and allow for change.¹⁰⁵



Activity Ten – Evaluating Relationships

¹⁰⁴ Pittinsky, T. L. (2009). *Crossing the divide: Intergroup leadership in a world of difference*. Boston, MA: Harvard Business Press. pp. 74-83.

¹⁰⁵ Ernst, C., & Chrobot-Mason, D. (2011). *Boundary spanning leadership: Six practices for solving problems, driving innovation, and transforming organizations*. New York, NY: McGraw-Hill.

5.4 Executive Leadership Teams

“A Case for Court Governance Principles,” one of the Reports of the Executive Session for State Court Leaders in the 21st Century, sums up the role of the court administrator and the presiding or chief judicial officer:

“The culture of courts also directly affects non-judicial, professional administrators who are responsible for ensuring effective and efficient court operation, but who, in most instances, lack the authority of chief operating officer positions found in other governmental or business environments. Court executives and presiding judges, and state court administrators and chief justices, ideally function as a management team. The extent to which this ideal relationship actually exists can vary widely, again because of court culture. Something as simple as whether a court executive has a seat at the table during bench meetings, or whether they are relegated to the back row, speaks volumes about the role of the executive in the operation of the court and the existence of a true management team.”¹⁰⁶

The Executive Leadership Team is critical in today’s courts. As noted above, rarely is one person the sole authority in a court organization. Rather, team leadership is in place. The Executive Leadership Team is both a governance structure, a management style and an approach to team leadership all at the same time.¹⁰⁷ This concept is not new. Ernie Friesen, in his 1971 book with Ed and Nesta Gallas, noted the “team nature” and mutual dependence of judge and court executive. That is, the judge and the court executive are partners support one another in the administration of justice. Just as case matters are rightfully deferred to the judge, administrative matters are deferred to court manager.¹⁰⁸

Mary McQueen has more recently discussed the importance of the judge-administrator team, or what she calls the “productive pair.” These pairs develop a relationship based on:

- *Interdependence*—emphasizing how their skills and knowledge complement each other and acknowledging that the gain of working together is higher than the pain of going it alone
- *Information*—constantly sharing information so that there are no surprises (lack of information sharing results in conflict)
- *Investment*—defending the organization and devoting resources to show long-term commitment to its goals (particularly building and using political capital)
- *Integration*—working seamlessly and turning individual “stars” into a team
- *Institutionalization*—formalizing authority to show exactly how decisions are made and providing support for them
- *Integrity*—using political capital properly and being worthy of trust

¹⁰⁶ Durham, C. M., & Becker, D. J. (2010). A case for court governance principles. *Perspectives on State Court Leadership*. p. 3. Retrieved from: National Center for State Courts website:

<http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Becker-Durham-A-Case-for-Court-Governance-Principles.ashx>

¹⁰⁷ McDowell, A. M. (2012, March). Leadership: using Executive Leadership Teams to achieve court purposes. *GCCA Spring Conference*. Symposium conducted at Georgia Council of Court Administrators, Pine Mountain, GA.

¹⁰⁸ Friesen, E.C., Gallas, E.C. & Gallas, N.M. (1971). *Managing the courts*. New York: The Bobbs-Merrill Company Inc.

McQueen goes on to state that:

“The gavel is the perfect symbol of a productive pair. The head of the gavel has two sides of equal weight, which are mounted on a single handle, symbolizing common purpose. The gavel represents authority that is passed on to successors and is used to maintain order and dispense justice. So, like a gavel, the productive pair of a judge and court executive work together for a common purpose: to provide justice for all.”¹⁰⁹

Effective Leadership Teams result in positive outcomes such as increased productivity, better problem solving, higher quality decisions and services and creativity and innovation.

Activity Eleven – Executive Leadership Team Challenge

Section 6 – Determining Your Own Style

Learning Objective

As a result of this section, participants will be able to:

10. Know the keys to promoting personal and organizational legitimacy through transparency and accountability.

Leadership is as much a personal journey as anything else. Numerous theories, styles and behaviors abound. Finding what works for you that emphasizes your strengths and builds upon your weaknesses can be difficult and take a lifetime to master. Faculty and participants are encouraged to read or refer to Marcus Buckingham’s *First, Break All the Rules*¹¹⁰ and *Now, Discover Your Strengths*¹¹¹. Although with his co-authors, Buckingham posits that we have essentially innate “strengths” (talents) that we should leverage, and not waste too much time trying to eliminate “weaknesses,” in order to be successful. In *Strengths Based Leadership*, Tom Rath and renowned leadership consultant Barry Conchie reveal the results of 30 years of Gallup research. They identified three keys to being a more effective leader: knowing your strengths and investing in others' strengths, getting people with the right strengths on your team, and understanding and meeting the four basic needs of those who look to you for leadership.¹¹²

As Buckingham states in *Now, Discover Your Strengths*:

“The great organization must not only accommodate the fact that each employee is different, it must capitalize on these differences. It must watch for clues to each

¹⁰⁹ McQueen, M. C. (2015). Two sides of the gavel, or court leaders as productive pairs. *Trends in State Courts: Leadership & Technology*. National Center for State Courts. pp. 4-5.

¹¹⁰ Buckingham, M., & Coffman, C. (1999). *First, break all the rules: What the world's greatest managers do differently*. New York, NY: Simon & Schuster.

¹¹¹ Buckingham, M., & Clifton, D. O. (2001). *Now, discover your strengths*. New York, NY: Free Press.

¹¹² Rath, T., & Conchie, B. (2008). *Strengths based leadership: Great leaders, teams, and why people follow*. New York, NY: Gallup Press.

employee's natural talents and then position and develop each employee so that his or her talents are transformed into bona fide strengths. By changing the way it selects, measures, develops, and channels the careers of its people, this revolutionary organization must build its entire enterprise around the strengths of each person."¹¹³

He further notes that "most organizations are built on two flawed assumptions about people: Each person can learn to be competent in almost anything [and] Each person's greatest room for growth is in his or her areas of greatest weakness."¹¹⁴ The world's best managers recognize that "Each person's talents are enduring and unique [and that] Each person's greatest room for growth is in the areas of his or her greatest strength."¹¹⁵

Basically, the authors advocate that you can increase knowledge and skills through experience and training and development, but abilities and talents (aka strengths) are primarily innate and cannot be taught. Yes, you can increase awareness to help modify behaviors to account for a lack of ability/strengths, but that is not the primary goal.

A leader should identify his/her own strengths, and then capitalize on them. A good example is to surround oneself and team up with others who have different or synergistic strengths to your own. You can see how this aligns nicely with Situational Leadership principles, where a manager/leader should individualize the interactions with subordinates. Strengths is all about individualization.

Critics suggest that weaknesses cannot be ignored and that too much emphasis on a strength can become a weakness itself. Nonetheless, court leaders must make the journey to better themselves as leaders no matter what position they are in.

Organizational legitimacy exists when the social values the organization displays are those that are accepted both by its employees but also accepted and are preferred in the general society in which the organization operates. Part of an organization's legitimacy, aside from its legal standing, is the perception that the organization provides value. Personal legitimacy, on the other hand, is the accepted perception by followers that a person is committed and embodies the leadership values necessary for success. As discussed earlier, this comes from building trust, communicating and exhibiting the various characteristics of good leadership.

When organizational and personal legitimacy are different, organizational conflict is likely. While this intuitively may make sense, the reality is a much grayer area. Often, when one is enmeshed in an organization, one often cannot see the whole picture of where one is in the "grand scheme" of what the organization is doing. A good organization will value the kinds of behaviors that motivate its staff and stakeholders alike to support it. Likewise, a good leader is able to promote personal legitimacy by demonstrating the characteristics and traits of sound leadership while supporting such behaviors in others at the same time. When in harmony, the organization and person can promote good leadership. The challenge is when an organization has not yet embraced change, has outdated processes or is generally unsupportive. Here, a

¹¹³ Buckingham, M., & Clifton, D. O. (2001). *Now, discover your strengths*. New York, NY: Free Press.

¹¹⁴ *ibid*

¹¹⁵ *ibid*

good leader must take on one or more of the roles identified earlier to move the organization forward.

A good organization is one that values transparency and accountability as noted in other competencies such as *Ethics, Accountability and Court Performance* and *Governance*. Likewise, a good leader will embrace these concepts and be part of the system that ensures that these values are reflected at all levels of the court organization.

6.1 Finding Your Vision and Voice

Leadership is personal. No one can wave a magic wand and make you a leader. Likewise, we can read all about various styles and behaviors but at the end of the day, we cannot be everything to everyone. Some of us are good at some things while others may be better at other actions. We each have to find our own strengths while trying to improve upon our weaknesses. A study of leadership is an introspective examination of ourselves to see what we do well and what we can do better.

Dan Straub, Dean of the Institute for Court Management's Fellows Program, states that:

"Eventually, all effective leaders have to lay aside the biographies of others and the available self-assessment tools. They must learn what they can from all of this, but then simply be themselves, i.e., find their own voice. They must understand their own strengths and weaknesses and build a style based on who they uniquely are."¹¹⁶

Further, as noted leadership guru Warren Bennis states:

"[N]o leader sets out to be a leader per se, but rather to express him- or herself freely and fully. That is, leaders have no interest in proving themselves. The difference is crucial, for it's the difference between being driven, as too many people are today, and leading, as too few people do. ... So the point is not to become a leader. The point is to become yourself completely – all your skills, gifts, and energies – in order make your vision manifest."¹¹⁷

Finding one's voice, however, is not enough. Everybody needs a reality check. This may come in the form of a personal evaluation, feedback from a supervisor, or through a mentor. Too often we get set in our ways or think our way is working just fine. Many court leaders reach a level where performance evaluations either don't exist at all or, if they do exist, their evaluations focus on whether projects and activities were completed and whether staff was "supervised" or "managed." Such evaluations rarely discuss measuring and assessing leadership strengths and weaknesses, and just as important, what leadership attributes are needed most by the organization.

Good court leaders recognize that when needed leadership feedback mechanisms are missing, they must seek out trusted sources, or "loving critics," themselves.¹¹⁸ Whether done through NACM's Mentor¹¹⁹ or through a personal mentor at work or in personal life, honest leadership-focused feedback is a must. Recall, for example, the parable of the "Emperor's New Clothes"

¹¹⁶ Straub, D. H. (2005). *Voice lessons*. 3rd Edition.

¹¹⁷ Bennis, W. G. (2009). *On becoming a leader*. New York, NY: Basic Books.

¹¹⁸ Kouzes, J., & Posner, B. (2014, February 27). To get honest feedback, leaders need to ask. *Harvard Business Review*. Retrieved from <https://hbr.org/2014/02/to-get-honest-feedback-leaders-need-to-ask/>
<https://hbr.org/2014/02/to-get-honest-feedback-leaders-need-to-ask/>

¹¹⁹ National Association for Court Management. Mentor Program. Retrieved from:
<https://nacmnet.org/membership/MentorProgram.html> <https://nacmnet.org/membership/MentorProgram.html>

by Hans Christian Anderson. As leaders, we get to a point of vanity in which those who follow us are not willing to give honest feedback. As Kouzes and Posner state: "Getting valid and useful feedback is essential to learning. And learning is the master skill."¹²⁰ Good leaders understand and appreciate this kind of feedback. After all, "[t]he [feedback] process strikes at the tension between two core human needs—the need to learn and grow, and the need to be accepted just the way you are. As a result, even a seemingly benign suggestion can leave you feeling angry, anxious, badly treated, or profoundly threatened."¹²¹ While difficult to digest at times, it is crucial for growth and good leaders learn how to use critical feedback.

As discussed earlier, businesses are beginning to recognize that leadership development is not an intrinsic part of the staff development and retention process. We don't invest in leadership like we should. Part of this includes developing feedback and evaluation processes that focus on leadership as something separate from management, an issue discussed in Section 1.

At the end of the day, we must each find our voice and place that voice in the context of the organization in which we work.

6.2 Leading Your Own Way

Good leaders are constantly learning, improving, and finding new and better ways to be leaders. In a sense, leadership is a never-ending journey. Good leadership is institutional, organizational, personal, and soulful all at the same time. Each of these elements may be present, but a good leader strives to make all of them a reality where they work. As leaders, we must find a passion for leadership. We must let that passion drive us forward. Most importantly, leadership is about what works for each individual while demonstrating as many of the positive attributes as possible.

Recapping from earlier, as Kouzner & Posner noted in their *Five Practices of Exemplary Leadership*, a list of practices, or behaviors, that anyone can master:

1. **Model the Way** - Transformative leaders know that if they want to gain commitment and achieve high standards, they must be models of the behavior they expect of others. To effectively model the behavior they expect of others, leaders must be clear about guiding principles. They must clarify values.
2. **Inspire a Shared Vision** - Focusing on the future sets leaders apart.
3. **Challenge the Process** - Challenge is the crucible of greatness.
4. **Enable Others to Act** - Leaders foster collaboration and build trust.

¹²⁰ Kouzes, J., & Posner, B. (2014, February 27). To get honest feedback, leaders need to ask. *Harvard Business Review*. Retrieved from <https://hbr.org/2014/02/to-get-honest-feedback-leaders-need-to-ask/>
<https://hbr.org/2014/02/to-get-honest-feedback-leaders-need-to-ask/>

¹²¹ Heen, S., & Stone, D. (2014, January/February). Find the coaching in criticism. *Harvard Business Review*. Retrieved from <https://hbr.org/2014/01/find-the-coaching-in-criticism/ar/1>

5. **Encourage the Heart** - Leadership is not an affair of the head. Leadership is an affair of the heart. Put your heart in your business and your business in your heart! Lead at a higher level.¹²²

At the end of the day, personal leadership is about “doing the right things” and can be summed up as:

- You being you
- Practicing what you preach
- Doing what you say you will do
- Finding your voice¹²³

While everyone can be a leader in some way, great leadership is something that is honed over time. To be sure, leadership training will make good managers better. At the end of the day, true leadership is not for everyone. As Alexander Aikman states:

“Without doubt, technical skills and knowledge can be imparted through training. That is the guiding vision of NACM's Core Competencies. The qualities and experiences that result in the emergence of leaders, however, cannot be captured and presented in tests to identify likely leaders or in workshops to teach people how to be leaders. Leadership is a personal quality gained over time by people who possess qualities that make them open to life's lessons and who relate in a particular way to others, neither of which can be captured in a lesson plan.”¹²⁴

Edward McConnell, often referred to as the “dean of American court administrators” has this parting advice: “Court administrators, be they judges or non judges, must find ways to call upon each individual in the system to the maximum of his abilities.”¹²⁵ Learn what you can, build upon your strengths, find your voice and vision and lead in your own way!

Activity Twelve – Leadership Action Plan

¹²² Kouzes, J. M., & Posner, B. Z. (2010). *The truth about leadership: The no-fads, heart-of-the-matter facts you need to know*. San Francisco, CA: Jossey-Bass.

¹²³ Straub, D. H. (2005). *Voice lessons*. 3rd Edition.

¹²⁴ Aikman, A. B. (2007). *The art and practice of court administration*. Boca Raton, FL: CRC Press.

¹²⁵ Wheeler, R. R., & Whitcomb, H. R. (1977). *Judicial administration*. Englewood Cliffs, NJ: Prentice-Hall, Inc.

Faculty Resources

Whether teaching a single session on leadership or a full week of intensive discussion, communicating all of this leadership curriculum material can be a complex topic. Further, leadership is a topic that is the subject of much thought and introspection, for there is no “one way” or “right way” to demonstrate leadership. As a result, an instructor should be familiar with his or her aspect of the leadership dialogue but also be open to his or her material being fully accepted by the participants as they determine what model and styles of leadership best suit their personality and role in the courts.

Further, an instructor on leadership is encouraged to be familiar with a wide range of leadership topics. Only a few are discussed in this curriculum design. Materials can, and often should, diverge from the curriculum design, so long as the intent is the same, to open up the participants to a variety of sound leadership practices that applicable to their life in the courts. Review of the material in the Bibliography is highly recommended.

Section One

- Managers and Leaders graphic
- Table of key differences between managers and leaders
- Summary of differences in managers’ and leaders’ roles

Section Two

- Leadership in a “Self-Governance” Court

Section Three

- Ralph Stogdill’s traits and skills of leaders
- Trait theory assumptions
- Basic assumptions of transactional (behavioral) leadership
- The McConnell Maxims that serve courts well
- Basic assumptions of participative leadership
- Participative leadership graphic
- Situational Leadership
- Basic idea of transformational leadership
- Transformational style and leader behavior
- The Level 5 hierarchy
- Seven pillars of servant leadership

Section Four

- Kotter’s 8 stages to achieve organizational transformation
- Traits of a change agent
- Seven steps in motivating
- Fundamentals of communication for court leaders
- Leadership = communication
- Reading the room
- Collaborative practices for modern court leaders
- Six leadership styles at a glance
- Indicators of progress toward creating a vision and plan
- Critical role of strategic management
- 12 smart questions every court leader needs to ask
- High performance court framework quality cycle

13 behaviors of high trust leaders
Characteristics of admired leaders

Section Five

Strategies for building relationships
Eight key steps in the team building process
Characteristics of effective teams
Characteristics of a high performance team
Effective intergroup leadership
Six boundary spanning practices
From the great divide to the nexus effect

Section Six

Five practices of exemplary leadership

Section One



| | Managers | Leaders |
|--------------------------------|--|---|
| Personality | <ul style="list-style-type: none"> • Problem solver • Persistence • Hard work • Intelligence • Analytical ability | <ul style="list-style-type: none"> • Entrepreneurial • Imaginative • Brilliant • Thinker |
| Attitudes Towards Goals | <ul style="list-style-type: none"> • Impersonal • Reactive • Responds to changes | <ul style="list-style-type: none"> • Participatory • (Pro)Active • Influences changes |
| Conceptions of Work | <ul style="list-style-type: none"> • Negotiate and bargain • Use of rewards and punishment • Instinct of survival | <ul style="list-style-type: none"> • Develop new or novel approaches • Inspire imagination • Seek risks and danger |
| Relations with Others | <ul style="list-style-type: none"> • Seeks to involve others • Low level of emotional involvement • Direct subordinates | <ul style="list-style-type: none"> • Intense personal drive • Deep sense of empathy • Motivate followers |
| Senses of Self | <ul style="list-style-type: none"> • Perpetuate status quo for role • Seek identity from organizational structure | <ul style="list-style-type: none"> • Seek opportunities for change • Seek identity from something greater¹²⁶ |

¹²⁶ Zaleznik, A. (2004). "Managers and Leaders: Are They Different?" *Harvard Business Review*. Retrieved from: <https://hbr.org/2004/01/managers-and-leaders-are-they-different>

| Leadership Produces change and movement | Management Produces order and consistency |
|---|--|
| <ol style="list-style-type: none">1. Establishes direction<ul style="list-style-type: none">▪ Creates a vision▪ Clarifies the big picture▪ Sets strategies2. Aligns people<ul style="list-style-type: none">▪ Communicates goals▪ Seeks commitment▪ Builds teams, coalitions and alliances3. Motivates and inspires<ul style="list-style-type: none">▪ Energizes▪ Empowers subordinates & colleagues▪ Satisfies unmet needs | <ol style="list-style-type: none">1. Planning and budgeting<ul style="list-style-type: none">▪ Establishes agendas▪ Sets timetable▪ Allocates resources2. Organizing and staffing<ul style="list-style-type: none">▪ Provide structure▪ Make job placements▪ Establish rules and procedures3. Controlling and problem solving<ul style="list-style-type: none">▪ Develop incentives▪ Generate creative solutions▪ Take corrective action |

Section Two

Leadership in a "Self-Governance" Court

| Model Type | Attributes | Leadership Challenge |
|-------------------------------|--|---|
| Based on Individual Rights | <ul style="list-style-type: none">• Low sense of organizational identity• Decisional autonomy• Adhocracy | <ul style="list-style-type: none">• Potential conflicts with other branches |
| Based on Administrative Rules | <ul style="list-style-type: none">• Rules govern "who is in charge"• Administration often secondary concern | <ul style="list-style-type: none">• Necessitates a formal governance structure• Requires consensus |
| Based on Relationships | <ul style="list-style-type: none">• Willful sharing of power | <ul style="list-style-type: none">• Encourage collegiality |

Section Three

Ralph M. Stogdill, an early pioneer in the field of leadership research, conducted hundreds of studies from the 1940s to the 1970s. In 1974, his book, *Handbook of Leadership: A Survey of Theory and Research*, identified several traits and skills of leaders.¹²⁷

| Traits | Skills |
|---|--|
| <ul style="list-style-type: none">•Adaptable to situations•Alert to social environment•Ambitious and achievement-orientated•Assertive•Cooperative•Decisive•Dependable•Dominant (desire to influence others)•Energetic (high activity level)•Persistent•Self-confident•Tolerant of stress•Willing to assume responsibility | <ul style="list-style-type: none">•Clever (intelligent)•Conceptually skilled•Creative•Diplomatic and tactful•Fluent in speaking•Knowledgeable about group task•Organized•Persuasive•Socially skilled |

Trait theory assumes that leaders:

1. Have the drive for responsibility and task completion;
2. Are vigorous and persistent in pursuit of goals;
3. Take appropriate risks and demonstrate originality in problem solving;
4. Exercise initiative in social situations;
5. Have self-confidence and sense of personal identity;
6. Are willing to accept consequences of decisions and actions;
7. Can absorb interpersonal stress;
8. Are able to tolerate frustration and delay;
9. Have the ability to influence other people's behavior; and
10. Demonstrate a capacity to structure social interaction systems to the purpose at hand.¹²⁸

¹²⁷ Stogdill, R. M. (1974). *Handbook of leadership: A survey of theory and research*. New York: Free Press.

¹²⁸ Northouse, P. G. (2015). *Introduction to leadership: Concepts and practice*. Los Angeles: Sage. Retrieved from: http://www.sagepub.com/upm-data/30933_Northouse_Chapter_2.pdf

Basic Assumptions of Transactional (Behavioral) Leadership

- People perform their best when the chain of command is definite and clear.
- Workers are motivated by rewards and punishments.
- Obeying the instructions and commands of the leader is the primary goal of the followers.
- Subordinates need to be carefully monitored to ensure that expectations are met.

The McConnell Maxims

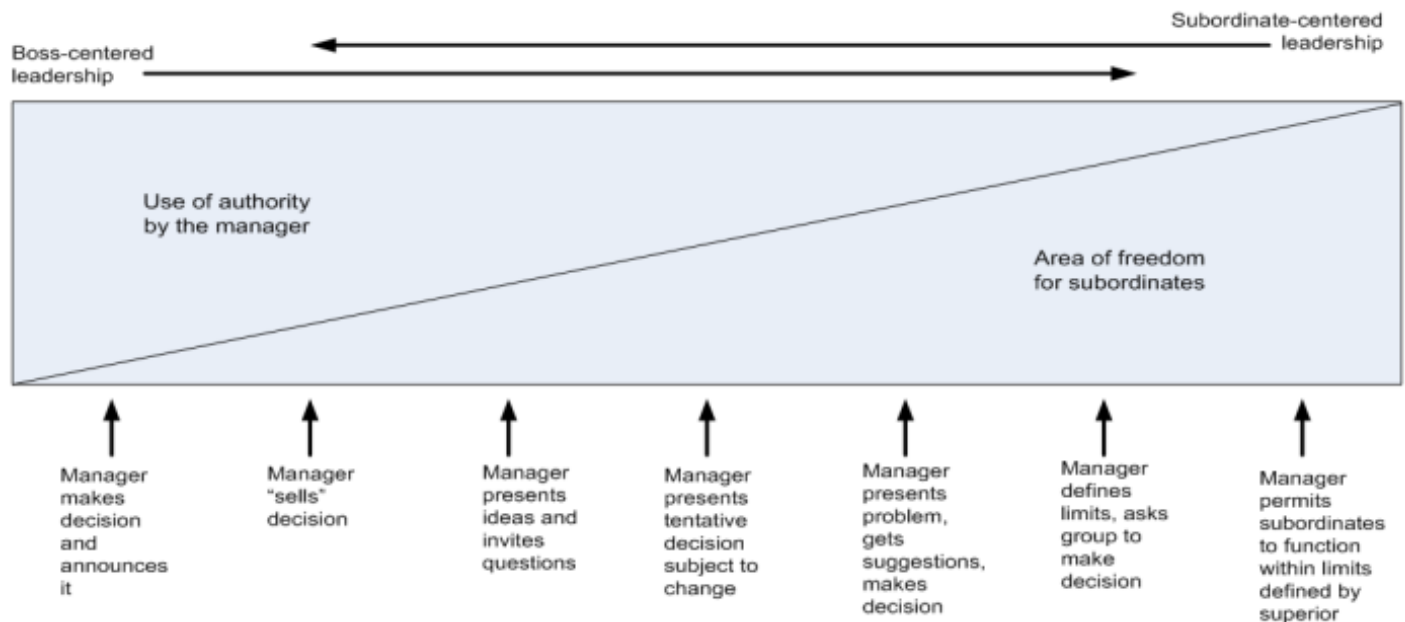
- Use tact
- Respect Everyone
- Listen and hear
- Be responsive
- Be confident
- Negotiate/Compromise
- Be flexible
- Consider timing
- Use imagination
- Create urgency
- Do job well
- Seek productivity
- Don't seek credit
- Use common sense
- Work hard
- Volunteer for work
- Play by rules
- Take calculated risks
- Earn trust/confidence
- Enjoy and lighten up¹²⁹

¹²⁹ Burke, Kevin S. Leadership Without Fear. *Future Trends in State Courts 2012*. Available at: http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Leadership-and-the-Courts/~media/Microsites/Files/Future%20Trends%202012/PDFs/Leadership_Burke.ashx

Basic Assumptions of Participatory Leadership

- Involvement in the decision-making process improves the understanding of the issues involved by those who must carry out the decisions.
- People are more committed to a course of action when they are involved in the decision-making process.
- People are less competitive and more collaborative when they are working on a team or towards a common purpose.
- When people make decisions as a team, their social commitment increases their commitment to the decision.
- People working together as a team make better decisions than one person acting alone.¹³⁰

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¹³⁰ *ibid*

Basic Idea of Transformational Leadership



| Transformational Style | Leader Behavior |
|---|--|
| <p>1) Idealized Behaviors: living one's ideals</p> | <ul style="list-style-type: none"> • Talk about their most important values and beliefs • Specify the importance of having a strong sense of purpose • Consider the moral and ethical consequences of decisions • Champion exciting new possibilities • Talk about the importance of trusting each other |
| <p>2) Inspirational Motivation: inspiring others</p> | <ul style="list-style-type: none"> • Talk optimistically about the future • Talk enthusiastically about what needs to be accomplished • Articulate a compelling vision of the future • Express confidence that goals will be achieved • Provide an exciting image of what is essential to consider • Take a stand on controversial issues |
| <p>3) Intellectual Stimulation: stimulating others</p> | <ul style="list-style-type: none"> • Re-examine critical assumptions to question whether they are appropriate • Seek differing perspectives when solving problems • Get others to look at problems from many different angles • Suggest new ways of looking at how to complete assignments • Encourage non-traditional thinking to deal with traditional problems • Encourage rethinking those ideas which have never been questioned before |
| <p>4) Individualized Consideration: coaching and development</p> | <ul style="list-style-type: none"> • Spend time teaching and coaching • Treat others as individuals rather than just as members of the group • Consider individuals as having different needs, abilities, and aspirations from others • Help others to develop their strengths • Listen attentively to others' concerns • Promote self-development |
| <p>5) Idealized Attributes: Respect, trust, and faith</p> | <ul style="list-style-type: none"> • Instill pride in others for being associated with them • Go beyond their self-interests for the good of the group • Act in ways that build others' respect • Display a sense of power and competence • Make personal sacrifices for others' benefit |

- | | |
|--|--|
| | <ul style="list-style-type: none">• Reassure others that obstacles will be overcome ¹³¹ |
|--|--|

The Level 5 Hierarchy

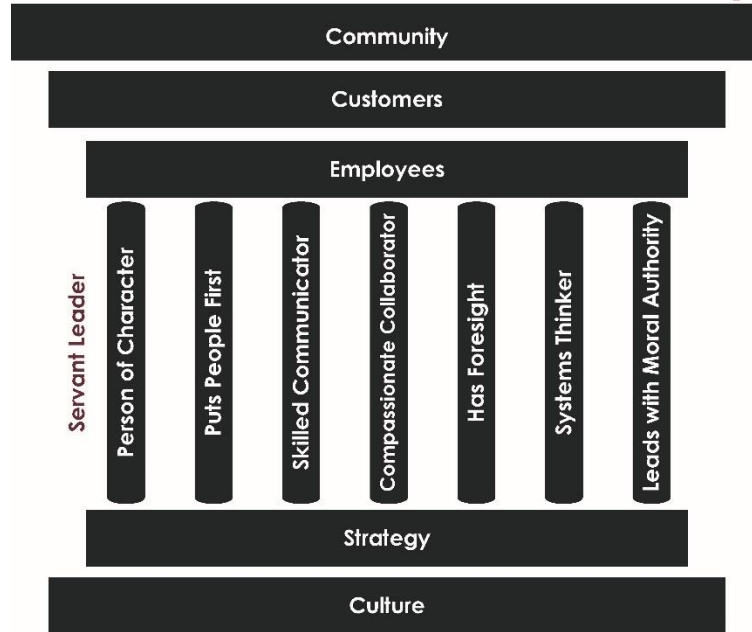


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¹³¹ Bass, B.M. & Avolio, B.J. (eds.) (1994). *Improving organizational effectiveness through transformational leadership*. Thousand Oaks, CA: Sage.

¹³² Collins, J. C. (2001). *Good to great: Why some companies make the leap--and others don't*. New York, NY: HarperBusiness.

Seven Pillars of Servant Leadership



Section Four



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Traits of a Change Agent

- Values – they have sound core beliefs
- Voice – they communicate well
- Thinking – they ask the difficult questions
- Acting – they act with purpose
- Competence – they demonstrate their belief in themselves and others
- Forward-Looking – they have a vision of the future
- Reflection – they create time for reflection
- Renewal – they take time to rest and rejuvenate¹³³

Seven Steps in Motivating

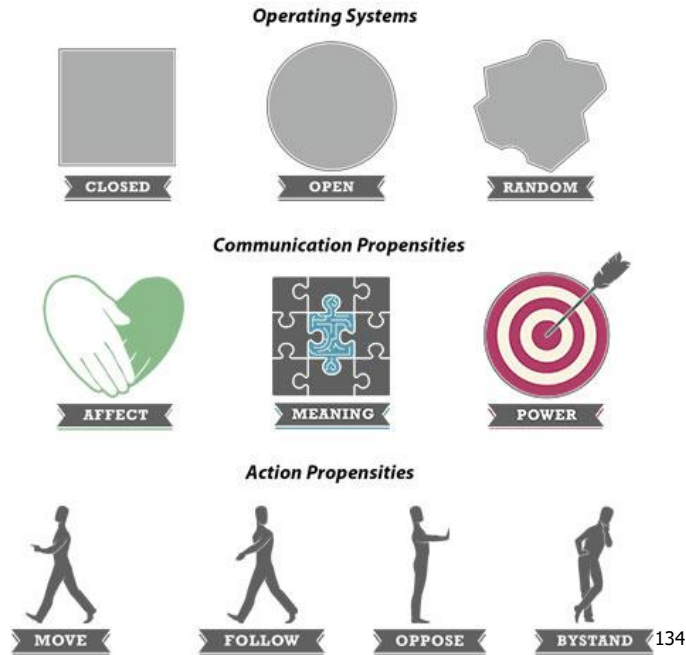
1. Develop a Strategy
2. Understand the Context
3. Respect the Culture
4. Build the Model
5. Work the Data
6. Keep it Simple
7. Find the Balance

¹³³ Conner, M. E. (2015). Judicial educator: Change leader. *Journal of the International Organization for Judicial Training*, 1(3), 6-15. Retrieved from: <http://www.iojt.org/journal/iojtjournal003~20150427.pdf>

Fundamentals of Communication for Court Leaders

- 1) Be positive in your message
- 2) Be credible
- 3) Be honest
- 4) Be accessible
- 5) Be open
- 6) Be understandable
- 7) Be relevant to, responsive to, and appropriate for the audience.





Collaborative Practices for Modern Court Leaders

- Build Support
 - Secure support from the judicial leaders
 - Ensure the necessary resources are in place
 - Train to manage collaboratively
- Establish Relationships
 - Build the bridge before you need to cross it
 - Know the key players
- Facilitate Action
- Define network goals and mission
 - Assess situation and match strategy to circumstances
 - The interpersonal approach matters
- Evaluate Progress
 - Document collaborative activity
 - Engage in continuous evaluation
 - Engage in reflective practice¹³⁵

¹³⁴ <http://www.kantorinstitute.com/fullwidth.html>

¹³⁵ McLaughlin, B. J. (2015). Collaborative practices for modern court leaders. *Trends in state courts 2015: leadership & technology*. Retrieved from: <http://www.ncsc.org/~media/Microsites/Files/Trends%202015/Trends%20in%20State%20Court%202015%20Web.ashx>

The Six Leadership Styles at a Glance

Our research found that leaders use six styles, each springing from different components of emotional intelligence. Here is a summary of the styles, their origin, when they work best, and their impact on an organization's climate and thus its performance.

| | Coercive | Authoritative |
|--|--|--|
| The leader's modus operandi | Demands immediate compliance | Mobilizes people toward a vision |
| The style in a phrase | "Do what I tell you." | "Come with me." |
| Underlying emotional intelligence competencies | Drive to achieve, initiative, self-control | Self-confidence, empathy, change catalyst |
| When the style works best | In a crisis, to kick start a turnaround, or with problem employees | When changes require a new vision, or when a clear direction is needed |
| Overall impact on climate | Negative | Most strongly positive |

| Affiliative | Democratic | Pacesetter | Coaching |
|--|---|---|--|
| Creates harmony and builds emotional bonds | Forges consensus through participation | Sets high standards for performance | Develops people for the future |
| "People come first." | "What do you think?" | "Do as I do, now." | "Try this." |
| Empathy, building relationships, communication | Collaboration, team leadership, communication | Conscientiousness, drive to achieve, initiative | Developing others, empathy, self-awareness |
| To heal rifts in a team or to motivate people during stressful circumstances | To build buy-in or consensus, or to get input from valuable employees | To get quick results from a highly motivated and competent team | To help an employee improve performance or develop long-term strengths |
| Positive | Positive | Negative | Positive |

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Indicators of Progress toward Creating a Vision and Plan

1. **Creation of Planning Culture** - In order to lead in this area, the leader must help create a court culture that is receptive to planning and be committed to it as a leadership tool. Members of the organization, and the justice coalition, should be able to articulate the vision, plan and direction, and understand how their role supports strategic goals.
2. **Institutionalization of a Strategic Planning Process** - Planning cannot be a "one and done" proposition; it must be inculcated and anchored into normal, routine, and operational activities of the court. (See NACM's Core Competency on Strategic Planning and the related curriculum design.) The court administrator takes a leadership role in developing strategic plans with scheduled frequency (e.g., every 3-4 years) and in monitoring these plans on a periodic basis. In addition, the leader should ensure that the court and system partners periodically participate in an environmental scanning exercise to define the major trends affecting society and the courts. The proactive court administrator regularly monitors professional publications, takes an active role in these organizations, and participates in conferences, makes presentations, or studies and evaluates events and developments affecting courts and court leaders.
3. **Leadership in Alignment with the Strategic Plan** - Plans cannot be documents completed for show. The leader must ensure that operational activities of the organization are managed to the plan, that system partners are united in the course, and that management actions and policy decisions are directed toward accomplishment of, and in support of, the planned activities. This includes successful execution and follow-through on strategic priorities, items that articulate and demonstrate innovations linking to the plan, so that the plan does not serve merely as an academic exercise. (See NACM's Strategic Planning curriculum design and Core competency for more information.)

Critical Role of Strategic Management

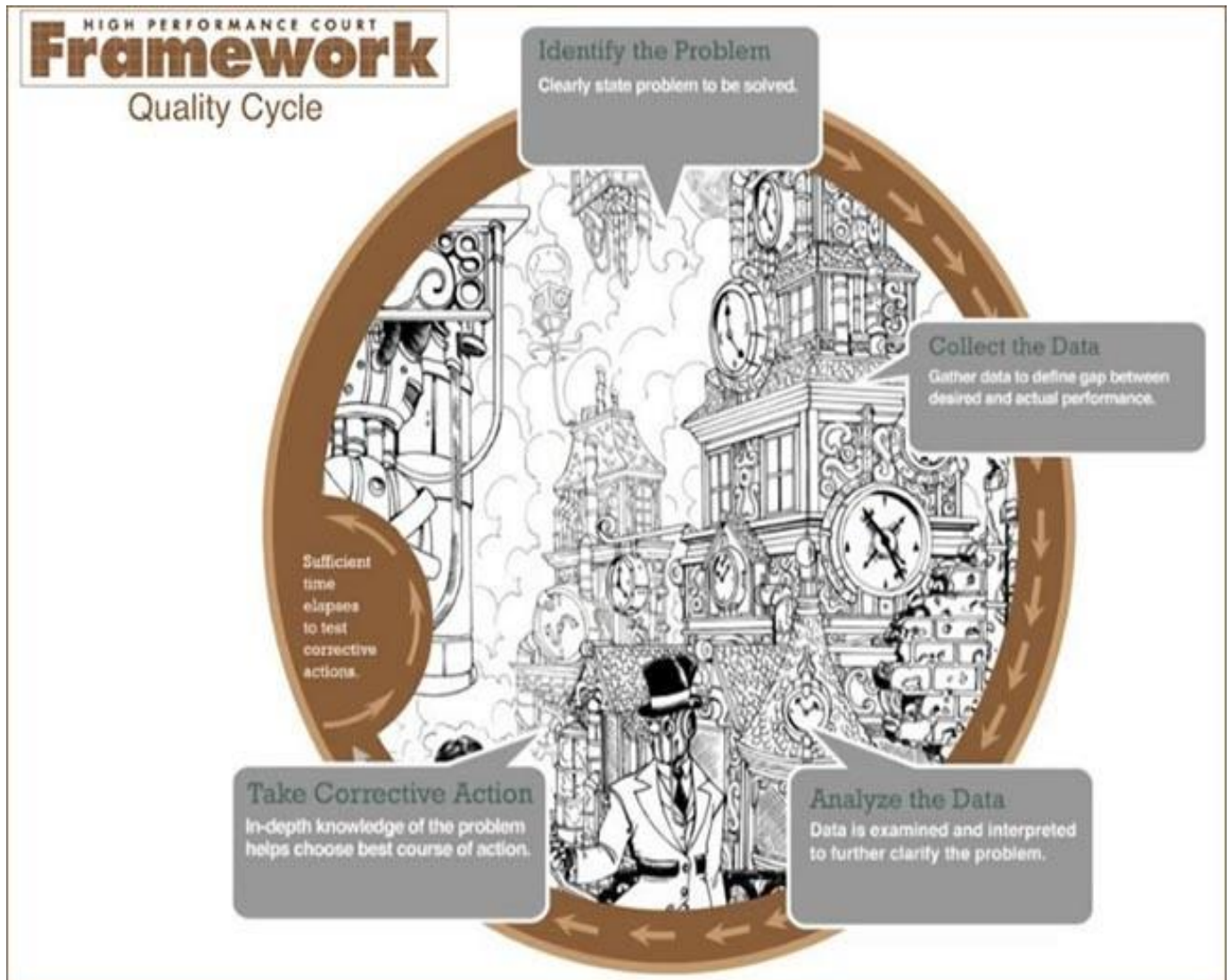
1. Focus on the Mission
2. Commit to Strategic Management
3. Keep the Plan Strategic
4. Ensure that Leadership is Committed
5. Seek Broad Input to Develop the Strategic Agenda
6. Share Responsibility for Implementation
7. Enhance Purpose and Contribution Through Line of Sight
8. Align Court Operations to the Strategic Plan
9. Track Progress with Performance Measures
10. Communicate, Communicate, Communicate¹³⁶

¹³⁶ Washington, E. T. & VanDeVeer, L. R. (2013). Sustainable court governance: the critical role of strategic management. *Perspectives on State Court Leadership*. Retrieved from: <http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Harvard%20Executive%20Session/Sustainable-Court-Governance.ashx>

12 Smart Questions Every Court Leader Needs to Ask

1. What is our purpose, our mission and vision?
2. How are we doing?
3. What do our users, customers, stakeholders have to say about how we are performing?
4. Where do we need to revamp or refresh our operations?
5. What prevents us from making the changes necessary?
6. What changes have we made in the last reporting period?
7. Are we continually assessing ourselves?
8. Did we make progress in our operation today?
9. Are we leveraging our limited resources and talents?
10. How do we sustain changes and enhancements so we are continually improving?
11. What is the message we need to give about how our court performs?
12. Is there anything else that we should be asking of our operation?¹³⁷

¹³⁷ *ibid*



13 Behaviors of High Trust Leaders

1. **“Talk Straight:** Tell the truth. Let people know where you stand. Demonstrate integrity.
2. **Demonstrate Respect:** Show you genuinely care. Respect everyone, even those that can’t do anything for you. Show kindness in little ways.
3. **Create Transparency:** Be genuine, open and authentic. Don’t hide information or have ‘hidden agendas.’ Operate on the premise of ‘what you see is what you get.’
4. **Right Wrongs:** Apologize quickly. Make restitution where possible. Demonstrate personal humility. Don’t cover things up. Do the right thing.
5. **Show Loyalty:** Give credit to others. Be loyal to the absent. Represent others who aren’t there to speak for themselves. Don’t talk negatively about others behind their back.
6. **Deliver Results:** Establish a track record of results. Accomplish what you are hired to do. Don’t over-promise and under-deliver. Don’t make excuses for not delivering.
7. **Get Better:** Continuously learn and improve. Increase your capabilities. Develop formal and informal feedback systems. Thank people for feedback. Act on feedback received.
8. **Confront Reality:** Meet issues head-on. Address the ‘tough stuff’ directly. Acknowledge the unsaid. Lead conversations courageously.
9. **Clarify Expectations:** Disclose and reveal expectations. Discuss and validate them. Renegotiate them if necessary. Ensure expectations are clear.
10. **Practice Accountability:** Hold yourself and others accountable. Take responsibility for good or bad results. Clearly communicate how everyone is doing.
11. **Listen First:** Listen before you speak. Listen with your ears, eyes and heart. Diagnose. Don’t assume, find out.
12. **Keep Commitments:** State your intentions and then do it. Make commitments carefully; make keeping your commitments the symbol of your honor. Don’t break confidences.
13. **Extend Trust:** Extend trust abundantly to those who have earned your trust. Extend trust conditionally to those who are earning your trust. Don’t withhold trust because risk is involved.”¹³⁸

¹³⁸ Covey, S. M. (2015). *How the best leaders build trust*. Retrieved from: <http://www.leadershipnow.com/CoveyOnTrust.html>

| Characteristics of Admired Leaders | |
|---|----------------------|
| 26% Ambitious | 85% Honest |
| 40% Broad-Minded | 18% Imaginative |
| 20% Caring | 6% Independent |
| 64% Competent | 69% Inspiring |
| 26% Cooperative | 42% Intelligent |
| 21% Courageous | 18% Loyal |
| 37% Dependable | 16% Mature |
| 28% Determined | 11% Self-Controlled |
| 35% Fair-Minded | 31% Straightforward |
| 70% Forward-Looking | 36% Supportive |

Section Five

Strategies for Building Relationships

- Turn Rivals into Allies – seek out those who may have counter opinions yet who are influential in their own right
- Keep Both the Mission and the Relationship in Mind – develop a relationship through shared goals while not violating your own core values
- Focus on Relationships, Not Just Individuals – Use the relationship to move through obstacles that the other side may be stuck on
- Target and Invest Only in Strategically Critical Relationships – invest in the relationships that provide the most value; and
- Take a Relational Perspective – view the issue through the other’s eyes¹³⁹

Eight Key Steps in the Team Building Process

1. Recognition that Team Building is Desirable
2. Assessment of the Team’s Effectiveness
3. Discussion and Analysis of the Assessment Results
4. Clarification of the Team’s Vision, Mission and Values
5. Identifying the Teams Key Goals
6. Development of the Team Action Plan
7. Implementation of the Team action Plan
8. Action Plan Progress Review and Revision¹⁴⁰

Characteristics of Effective Teams

1. Clear Direction
2. Appropriate Team Composition
3. Commitment to Roles and Responsibilities
4. Effective Communication
5. Adequate Resources
6. Focus on Quality and Customer Satisfaction
7. Innovation and continuous Improvement
8. Cooperation with Others,
9. Appropriate Consequences, and
10. Positive Results.¹⁴¹

¹³⁹ Smith, D. M. (2008, June 16). Leading through relationships. *MANAGEsmarter*. Retrieved from http://dianamclainsmith.com/wp-content/themes/dms/pdf/leading_through_relationships.pdf

¹⁴⁰ Ibid

¹⁴¹ Natemeyer, W. E. (2011). *Developing high performance teams* (2nd ed.). NATD Publications. p. 45.

Characteristics of a High Performance Team

1. Common Purpose
2. Crystal Clear Goals
3. Accepted Leadership
4. Effective Processes
5. Solid Relationships
6. Excellent Communication¹⁴²

Effective Intergroup Leadership

- **Convening Power** – facilitate a common language or understanding
- **Transcendent Values** – identify common goal
- **Future Orientation** – build a new identity
- **Important Interdependent Tasks** – offer challenging tasks that can only succeed by everyone working together
- **Interpersonal Norms and Emotional Integration** – establish, respect and reward positive behaviors and collegiality
- **Inclusiveness and Evenhandedness** – ensure a climate of inclusivity and participation by all.¹⁴³

Six Boundary Spanning Practices

1. **Buffering** - shielding group members from external threats or outside influences so that they can develop and maintain a group identity.
2. **Reflecting** - enabling a group to see both sides of an issue or barrier.
3. **Connecting** - forging relationships by creating interpersonal connections.
4. **Mobilizing** - reframing viewpoints to create a new larger identity.
5. **Weaving** - creating an atmosphere where group boundaries interlace yet remain distinct.
6. **Transforming** - reinventing the group to create new identities and allow for change.¹⁴⁴

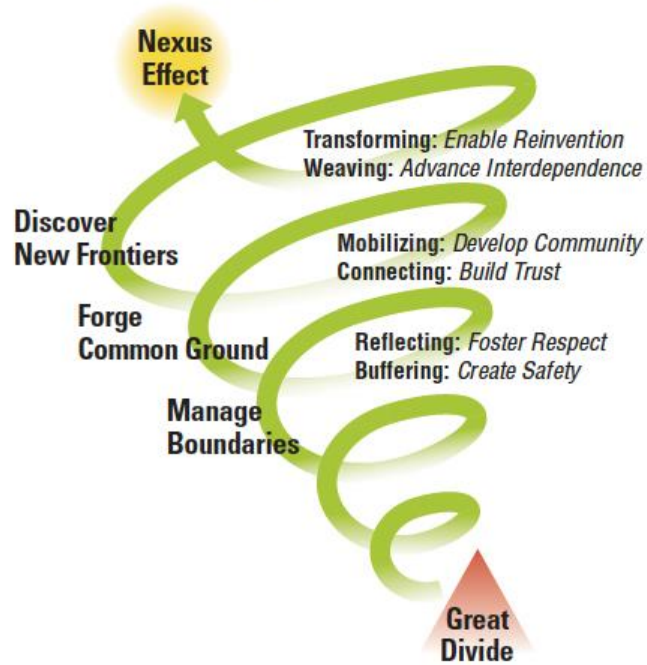
¹⁴² MacMillan, P. (2001). *The performance factor: Unlocking the secrets of teamwork*. Nashville, TN: Broadman & Holman Publishers.

¹⁴³ Pittinsky, T. L. (2009). *Crossing the divide: Intergroup leadership in a world of difference*. Boston, MA: Harvard Business Press. pp. 74-83.

¹⁴⁴ Ernst, C., & Chrobot-Mason, D. (2011). *Boundary spanning leadership: Six practices for solving problems, driving innovation, and transforming organizations*. New York: McGraw-Hill.

FROM THE GREAT DIVIDE TO THE NEXUS EFFECT

The spiral depicts how boundary spanning leaders increase intergroup collaboration — by first managing boundaries, then forging common ground, then discovering new frontiers, and ultimately discovering new frontiers at the nexus between groups.



Section Six

1. **Model the Way** - Transformative leaders know that if they want to gain commitment and achieve high standards, they must be models of the behavior they expect of others. To effectively model the behavior they expect of others, leaders must be clear about guiding principles. They must clarify values.
2. **Inspire a Shared Vision** - Focusing on the future sets leaders apart.
3. **Challenge the Process** - Challenge is the crucible of greatness.
4. **Enable Others to Act** - Leaders foster collaboration and build trust.
5. **Encourage the Heart** - Leadership is not an affair of the head. Leadership is an affair of the heart. Put your heart in your business and your business in your heart! Lead at a higher level.¹⁴⁵

¹⁴⁵ Kouzes, J. M., & Posner, B. Z. (2010). *The truth about leadership: The no-fads, heart-of-the-matter facts you need to know*. San Francisco, CA: Jossey-Bass.

Participant Activities

The participant activities are one of the most important parts of the curriculum design as they are the tools faculty members are able to use to determine if participants have achieved the outcomes defined in the learning objectives. Also, participant activities provide tools to faculty to ensure that the training, course, or session is not only informative, but also interactive.

Participant activities are annotated in the content outline in places they may be effectively used. Each activity has a cover page explaining its purpose, the specific learning objective being measured, and how to use the activity. The activities themselves are on a separate page(s) for ease of duplication.

The following activities are to measure achievement of stated learning objectives. Faculty are encouraged to incorporate additional strategies to engage court managers and keep them active during their educational experience, for example, asking questions about content before presenting it, having learners discuss content and provide feedback to faculty on their perspectives, and more.

Activity One – Leadership Self-Assessment

Learning objective: *General background*

Activity Two – Are You Confident in Your Leaders?

Learning objective: *Understand the leadership importance of credibility, trust and ethical behaviors*

Activity Three – The Managing Leader?

Learning objective: *Compare and contrast management and leadership, knowing the importance of each*

Activity Four – Who Governs?

Learning Objective: *Know the importance of good governance needed for effective court leadership*

Activity Five – Man or Myth?

Learning objective: *Understand and analyze the traits, habits and models of leadership*

Activity Six – Your Trait or Mine?

Learning objective: *Understand and analyze the traits, habits and models of leadership*

Activity Seven – Can You Be Transformative?

Learning objective: *Design and foster an appropriate organizational culture that encourages and mobilizes change and engages staff*

Activity Eight – To Lead or Serve?

Learning objective: *Promote effective communication, collaborative decision-making, and teamwork*

Activity Nine – What’s Trending Now?

Learning objective: *Understand the importance of strategic management that embodies vision and purpose through planning and analysis;
Utilize the tools necessary to support a high performance court;*

Activity Ten – Evaluating Relationships

Learning objective: *Determine the relationships and connections needed to be effective in an interdependent judicial system;*

Activity Eleven – Executive Leadership Team Challenge

Learning objective: *Determine the relationships and connections needed to be effective in an interdependent judicial system;*

Activity Twelve – Leadership Action Plan

Learning objective: *Know the keys to promoting personal and organizational legitimacy through transparency and accountability*

Activity One: Leadership Self-Assessment

Materials Needed: Flip chart or dry board to record ideas, marker, paper and pencil for each group.

Total Time Required: 20-25 minutes.

Group Size: Participants will work independently and may then, time permitting, discuss in small groups.

Purpose

The purpose of the self-assessment is for each participant to determine his or her individual learning needs and for the instructor to tailor the session to the types of learning needs identified by the participants.

Notes about Using the Activity

This activity may be used as a pre-exercise and sent to participants prior to a session to complete and return in advance of the course. It can also be administered at the beginning of the session. Faculty may choose to track the results on a flip chart that displays the frequency that each knowledge, skill, or ability is selected as a strength or weakness.

Instructions

Evaluate yourself based on the fundamental knowledge, skills, abilities, and attributes required for effective leadership.

Part 1 - Leadership Fundamentals Self-Assessment

Please take 15 minutes to read the Knowledge, Skills, Abilities, and Attitudes (KSAs) below and rank yourself in each category. 0 = no knowledge skill or ability in this category to 5 = highly expert, need no new training. The instructor will ask each person to identify their strongest KSA and the KSA which best reflects their highest learning need in leadership.

Knowledge, Skills, Abilities, and Attitudes

Rank
0 = none
5 =
expert

| | | |
|----------|---|--|
| A | Ability to demonstrate integrity, trustworthiness, honesty, accountability, ethics, and integrity in one's action; | |
| B | Knowledge of ones limitations; | |
| C | Knowledge of codes of conduct including judicial and court manager codes in one's federal, state, and local jurisdiction; the National Association for Court Management Model Code of Conduct; the model code for court managers developed by the American Judicature Society, the ABA Canons of Judicial Ethics for judges; and, the ABA Code of Professional Conduct for lawyers; | |
| D | Skill in clear, direct, and consistent communication; | |
| E | Ability to model desired behaviors; | |
| F | Knowledge of one's personal values, how ones values and personal style impact others who work in and around the courts, and how values and style set the culture and tone of the court; | |
| G | Ability to work with others to create a clear vision and sense of purpose for the court, its departments, and employees; | |
| H | Ability to communicate strategic intent, vision, and sense of purpose for the court which will plainly improve the performance of the court, and to establish and to execute action plans that reflect that vision; | |
| I | Ability to forecast future needs and conditions of the court and to think in the long term; | |
| J | Knowledge of the basis for the judiciary's assertions of judicial independence and inherent powers and their relationship to the ends of liberty, social order, due process, equal protection, and justice under law; | |
| K | Ability to create coalitions for effective routines and needed change; | |
| L | Ability to develop and foster system-wide cooperation including strong affirmative relationships between elected and appointed court leaders, the public and private bar, law enforcement agencies, and other private, local, and state based social service and justice providers; | |
| M | Knowledge of the judicial executive team concept and its practical importance for acceptable court performance; | |
| N | Knowledge of information and data needs; national, state, and local databases; how to acquire needed information; how to analyze necessary data, and; how to use statistics, analytic staff, and reports; | |
| O | Skill in problem recognition and definition, diagnosis, analysis, and in finding alternative solutions; and | |
| P | Ability to use power, to make decisions, and to act decisively. | |

Part 2 - Credibility Self-Assessment

How would your associates rate your credibility? For a moment, put yourself in the place of your associates and look at your own performance. For each of the following statements, circle the number that corresponds to your evaluation—Always (10), Often (5) or Rarely (0).

Would my team or followers say that:

| | | Always | Often | Rarely |
|-----|--|--------|-------|--------|
| 1. | My decisions and actions are consistent; they reflect and clearly communicate my personal values. | 10 | 5 | 0 |
| 2. | I am accessible and respond to the questions and concerns of my associates honestly and in a timely manner. | 10 | 5 | 0 |
| 3. | I make time to meet with my associates on a face-to-face basis and have familiarized myself with what is involved in each of their jobs. | 10 | 5 | 0 |
| 4. | My decisions take into account input from my associates. I decide by building consensus. | 10 | 5 | 0 |
| 5. | I foster a feeling of cooperation and community among my associates. | 10 | 5 | 0 |
| 6. | I provide opportunities for my associates to learn and grow in their jobs. | 10 | 5 | 0 |
| 7. | I have created a work environment where my associates are free to make decisions on their own, learn from each other and experiment. | 10 | 5 | 0 |
| 8. | I hold myself to the same standards as my associates and try to set a positive example in all aspects of our relationship. | 10 | 5 | 0 |
| 9. | I see my job as one of empowerment; I credit my constituents whenever possible and create heroes in my organization. | 10 | 5 | 0 |
| 10. | I am honest in acknowledging problems, but focus on solving the problems. I try to stay flexible and promote optimism and faith in a successful outcome among my associates. | | | |
| | Column Totals | + | + | |
| | Grand Total | = | | |

Scoring

Rate your credibility according to the following.

- 85 to 100 points You enjoy high credibility among your followers.
70 to 80 You have good credibility.

| | |
|-------------|-------------------------------------|
| 55 to 65 | You have only fair credibility. |
| 50 or fewer | Your credibility needs improvement. |

Source: Adapted from Kouzes, James and Posner, Barry, *Credibility*, San Francisco: Jossey-Bass, 1993.

Debrief:

Participants should self-administer the brief questionnaire entitled "Credibility Self-Assessment." Allow approximately 15 minutes to complete it. Individual participants will be asked to debrief using the following questions:

1. What did you list as your greatest strengths?
2. What did you list as your greatest weakness?

Faculty may write the answers on a flip chart and look for common responses. A follow-up debriefing may include the following questions:

1. What actions can you take to build on your strengths?
2. What actions can you take to do "damage control" on your weaknesses?

Have the entire class rank the top 5-10 traits or characteristics they feel are the most important of a good leader.

Activity Two: Are You Confident in Your Leaders?

Materials Needed: Flip chart or dry board to record ideas, marker, paper and pencil for each group. Copies of the *National Study of Confidence in Leadership*¹⁴⁶ by the Harvard Kennedy School's Center for Public Leadership and the National Center for State Courts' *The State of State Courts, A NCSC Public Opinion Survey*¹⁴⁷.

Total Time Required: 30-45 minutes

Group Size: Class will work in groups of 5-6.

Instructions:

Each person should read the reports quietly for a few minutes. Then, in small groups, discuss the takeaways about public confidence in leadership and, by extension, confidence in government and the courts. Discuss the following in the groups:

- ✓ Why does leadership in these different sectors matter?
- ✓ Where do you think your courts would rank in the National Leadership Index?
- ✓ Does political orientation affect confidence in court leadership?
- ✓ What role does the public play in making leadership more effective?
- ✓ How do the results of the confidence survey compare to the public opinion survey?
Where does leadership fit in?

Choose a scribe to note the group's thoughts. Be prepared to list the consensus thoughts on a communal flip chart shared by the whole class.

Debrief:

Report out lessons learned to the whole class.

What themes have emerged?

¹⁴⁶ Rosenthal, S. A. (2012). *National Leadership Index 2012: A national study of confidence in leadership*. Center for Public Leadership, Harvard Kennedy School, Harvard University, Cambridge, Massachusetts. Retrieved from: http://andresraya.com/wp-content/uploads/2012/12/cpl_nli_2012.pdf

¹⁴⁷ National Center for State Courts. (2014). *The state of state courts: A NCSC public opinion survey*. Retrieved from: <http://www.ncsc.org/2014survey> & <http://www.ncsc.org/2015survey>

Activity Three: The Managing Leader?

Materials Needed: Flip chart or dry board to record ideas, marker, paper and pencil for each group.

Total Time Required: 20-25 minutes.

Group Size: Class will work in groups of 5-6.

Instructions:

What do you think are the key differences between one who leads and one who manages?
Choose a scribe to list the differences on a communal flip chart shared by the whole class.

Debrief:

Discuss as a class the key differences?

Do some responsibilities or characteristics overlap?

Activity Four: Who Governs?

Materials Needed: Flip chart or dry board to record ideas, marker, paper and pencil for each group.

Total Time Required: 20-25 minutes.

Group Size: Class will work in groups of 5-6.

Instructions:

Each group should choose the governance structure of a local court or state court system. Using the flip charts, each group should draw or diagram the selected structure and then be prepared to discuss how to be a leader at each of the different levels.

Debrief:

Does leadership vary depending on the level of governance or responsibility?

What common themes of leadership have emerged throughout all of the governance structures?

Activity Five: Man or Myth?

Materials Needed: Flip chart or dry board to record ideas, marker, paper and pencil for each group.

Total Time Required: 20-25 minutes.

Group Size: Class will work in groups of 5-6.

Instructions:

Brainstorm about leaders or heroes (real and mythical/fictional) and discuss what about them made them great leaders. Was it an action or deed, a way of life, or how they portrayed themselves? Were they born that way?

Debrief:

What common traits and characteristics emerged? Why are these important?

Have the entire class rank the top 5-10 traits or characteristics they feel are the most important of a good leader.

Activity Six: Your Trait or Mine?

Materials Needed: Flip chart or dry board to record ideas, marker, paper and pencil for each group.

Total Time Required: 20-25 minutes.

Group Size: Class will work in groups of 5-6.

Instructions:

Brainstorm about traits that make good leaders. These should be concrete, definable attributes. After brainstorming, have participants group the traits into categories on flipcharts. The categories should include behaviors, actions, relationships, knowledge and skills. Place those flipcharts around the room for later reference.

Debrief:

What common traits and characteristics emerged?

Why are these important?

Which traits are more applicable for court leaders? Why?

Have the entire class rank the top 5-10 traits or characteristics they feel are the most important of a good leader.

Activity Seven: Can You Be Transformative?

Materials Needed: Flip chart or dry board to record ideas, marker, paper and pencil for each group.

Total Time Required: 30-45 minutes.

Group Size: Class will work in groups of 6-9 and then smaller groups of 3.

Instructions:

Break in to groups of 6-9 people. Each group should identify transformational leadership qualities that they feel are important to their court or organization. Groups will first report out the qualities that they identified. Those qualities can be placed on the screen or on flip charts. Similar qualities can be grouped together or otherwise tagged to indicate that multiple groups identified them as key qualities.

The current groups should then be broken in to smaller groups of 3 people. One person will play the role of the transformational leader (manager or supervisor), one the follower (subordinate) and the third will observe.

Scenario – The subordinate has been an employee for about 7 years. He/She has been an average performer and has, at times, even been excellent having received an employee of the quarter award four times over the 7 years. However, for the last three months, the employee's work has been sloppy and prone to errors. Further, he/she has been late at least one day per week for over a month, with several random sick days called in just before work, and frequent "extended" lunch breaks. The manager and subordinate should engage in a coaching and mentoring conversation about the employee's performance and attendance. The manager should attempt to use or demonstrate as many of the transformative qualities noted on the flip charts in the room. The observer should note the qualities used. After 10 minutes, each group should discuss. Some or all groups should then report out their general observations to the whole group.

Debrief:

Report out lessons learned to the whole class.

What themes have emerged?

Activity Eight: To Lead or Serve?

Materials Needed: Flip chart or dry board to record ideas, marker, paper and pencil for each group.

Total Time Required: 20-25 minutes.

Group Size: Class will work in groups of 5-6.

Instructions:

Using the “Seven Pillars” discuss and note on flip charts what qualities, traits, and behaviors fit under each of the pillars. Now, look at the other 12 competencies in the Core. Where does each fit in on the pillars? Talk about why these qualities are important, if any are more important than others (prioritize if they wish), and then “create a great leader” based on their discussion. They can give examples of famous people or people in their lives who have these qualities. They can share with the larger group why they feel these examples are true servant leaders. Finally, in small groups, discuss the relative importance of each Pillar and which is the most important for your organization.

Debrief:

Why is servant leadership important?

Who can be a servant leader?

What characteristics do you think are the most important?

What are some examples of these characteristics? (i.e. Building community, working with different people in different groups to do something for the community as a whole, etc.)¹⁴⁸

¹⁴⁸ Service: Servant Leadership. (March). Retrieved from:
<http://www.pittsburgareachamber.com/Portals/0/Session%206%20-%20Service%20%20Servant%20Leadership.pdf>

Activity Nine: What's Trending Now?

Materials Needed: Flip chart or dry board to record ideas, marker, paper and pencil for each group.

Total Time Required: 20-25 minutes.

Group Size: Class will work in groups of 5-6.

Instructions:

Break into groups of three people. Answer the questions below in your group. Prepare a drawing or other picture that depicts each of your answers. Be as creative as you want.

- What trends are facing the courts?
- Depict how your court may address a selected trend.

Report to the full group on your thoughts and the meaning of your picture or drawing or the issues depicted in it.

Debrief:

How do trends affect strategic planning leadership?

How do leaders address trends through strategic planning?

Activity Ten: Evaluating Relationships

Materials Needed: Flip chart or dry board to record ideas, marker, paper and pencil for each group.

Total Time Required: 30-45 minutes.

Group Size: Participants will work independently and may then, time permitting, discuss in small groups.

Instructions:

Based on your overall experience with the court, consider the relationship your court has maintained with other organizations upon which it depends for resources, or with which they are linked in dispensing justice. How have those relationships changed during your association with the court? Please make two judgments for each of the numbered questions.¹⁴⁹

⊕ What was it like when you came to the court? Place a "T" on the line next to the statement for what you saw "Then".

⊕ What is it like at this time? Place an "N" on the line next to the statement for what you see "Now".

Please make sure that you indicate a "T" and an "N" for each numbered question. The "T" and "N" may share the same line. A "T" and an "N" on the same line indicate very little change from the time you joined the court until today.

1. Partnership- the extent to which we actively, consciously promote partnership with other organizations to which we are linked.

_____ The court does not see partnership as important (Everyone for him/herself. It's a we-they world.)

_____ The court realizes the importance of partnership, but has not done anything about it.

_____ The court realizes the importance of partnership, has begun to see its strategic significance and foster it.

_____ The court makes a priority effort to work out the partnership. There is a genuine concern for one another. Partnership efforts get adequate resources, management attention and sponsorship from the court.

2. Interdependence—the extent to which we have clear recognition of the interdependence of justice system and other organizations.

¹⁴⁹ Based on the work of Daniel H. Straub, Ph.D. and Dale R. Lefever, Ph.D.

- _____ There is no recognition. One institution dominates or tries to dominate another.
 - _____ Interdependence recognized in the form of power struggles with winners and losers (adversaries).
 - _____ We are beginning to see that we need each other and that mutual rewards might be possible.
 - _____ Clear understanding by all parties. Differing interests are accepted and welcomed. Power is shared and balanced.
3. Integration—extent to which contact and communication with these other organizations are routinely carried out.
- _____ Almost no contact and communication.
 - _____ Guarded, cautious communication. We talk at each other.
 - _____ Some effective contact and communication. Depending on the issue at hand, we talk with each other.
 - _____ Routine and effective contact and communication. It is usually open and authentic.
4. Shared Knowledge—extent to which the court has knowledge of the plans and directions of these other organizations, and they have similar knowledge about the court.
- _____ No knowledge, or only partial awareness.
 - _____ Knowledge, but not intentionally shared. Aware of some, unaware of others.
 - _____ Usually aware of their plans and direction.
 - _____ Wide knowledge, intentionally and routinely shared among these organizations.
5. Common Systems and Procedures—extent to which there exists an agreed upon process for joint decision making and use of common systems (e.g., share computer system).
- _____ No agreed upon systems or procedures.
 - _____ We have few agreed upon systems and procedures. It is an accident, rather than a plan when we do.
 - _____ We use some common systems and procedures, not because we have planned to do so.
 - _____ High degree of agreement on systems and procedures. We plan for them and find them useful.
6. Trust—extent to which there is mutual confidence, reliability and expectations among those related organizations.

- _____ Can't trust at all, high level of suspicion.
- _____ Misgivings. Can rarely rely on them.
- _____ Usually know what we can expect from them. Can place some confidence in them.



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Each team will be assigned one of the five (5) categories in the chart above. Each team should develop a short 3-5minute sketch that depicts a team working on a court project with a designated project leader. The sketch should demonstrate the selected dysfunction (serious or funny!). Each team will perform its skit for the other teams.

- _____ High level of trust. No fear or misgivings.

Internal Relationships

Instructions: Based on your overall experience with the court, consider the relationships between Court Managers and Presiding Judges. How have those relationships changed during your association with the court? Please make two judgments for each of the numbered questions.

- ⊕ What was it like when you came to the court? Place a "T" on the line next to the statement for what you saw "Then".
- ⊕ What is it like at this time? Place an "N" on the line next to the statement for what you see "Now".

Please make sure that you indicate a "T" and an "N" for each numbered question. The "T" and "N" may share the same line. A "T" and an "N" on the same line indicate very little change from the time you joined the court until today.

1. Joint Policy Formation

- _____ Court managers not aware of new policies until they are announced by Chief/Presiding Judge.
- _____ Court managers made aware of new policies, but have little or no input into their formulation.
- _____ Court managers provide input into policy development on an ad hoc basis.
- _____ Court managers work collaboratively with Chief/Presiding Judges in the development of new policies.

2. Clarification of Roles and Responsibilities

- _____ Court managers' and Chief/Presiding Judges' roles have never been clarified.
- _____ Court managers' roles are based on needs of the current Chief/Presiding Judge. No further clarification is needed.
- _____ Court managers and Chief/Presiding Judges have discussed their respective roles but have never formalized them.
- _____ Court managers and Chief/Presiding Judges have negotiated their respective roles and formally communicated them to the court.

3. Delegation of Authority

- _____ Court managers wait to be told what to do by the Chief/Presiding Judge.
- _____ Court managers make recommendations and the Chief/Presiding Judge acts.
- _____ Court managers ask the Chief/Presiding Judge's permission before acting.
- _____ Court managers take initiative and keep the Chief/Presiding Judge informed.

4. Recognition of Shared Expertise

- _____ Court managers and Chief/Presiding Judges have little understanding of each other's unique contributions to the courts.
- _____ Court managers are viewed as personal staff to Chief/Presiding Judges with no independent basis for expertise.
- _____ Court managers and Chief/Presiding Judges recognize each other's areas of expertise, but believe it is important to separate the judicial and non-judicial areas.
- _____ Court manager and Chief/Presiding Judges acknowledge each other's areas of expertise and work at integrating them into a systems approach.

5. Effective Communications

- _____ Court managers and Chief/Presiding Judges have virtually no meaningful communications.

- _____ Court managers and Chief/Presiding Judges communicate at the judge's request.
- _____ Court managers and Chief/Presiding Judges both initiate communications as the need arises.
- _____ Court managers and Chief/Presiding Judges communicate on a regular basis independent of any immediate crisis.

6. Mutual Trust and Support

- _____ Court managers and Chief/Presiding Judges are competitive and suspicious of each other's intentions.
- _____ Court managers and Chief/Presiding Judges tolerate each other and try to avoid conflicts.
- _____ Court managers and Chief/Presiding Judges respect each other and cooperate on most issues.
- _____ Court managers and Chief/Presiding Judges recognize their need for mutual trust and support and consciously try to help each other succeed.

Debrief:

Report out lessons learned to the whole class.

What themes have emerged?

What strategies or roles can leaders use to avoid team dysfunction?

Activity Eleven: Executive Leadership Team Challenge

Materials Needed: Flip chart or dry board to record ideas, marker, paper and pencil for each group.

Total Time Required: 20-25 minutes.

Group Size: Class will work in groups of 5-6.

Instructions:

Assume that you have convened an Executive Leadership Team (ELT) for your court to address a specific challenge that the court is facing. Consider how the ELT approach would help the court identify a plan of action to address the challenge.

- ✓ Think about who you would invite to join the ELT. Consider functional positions, such as the presiding judge, the court administrator, court managers, human resources, the budget office, technology services, the local funding authority, legal counsel, etc. How big should the ELT be? Who will have responsibility for running the team? Will it be shared jointly with the presiding judge and court administrator?
- ✓ Identify resources available for assistance that other members of the ELT can bring to the table.
- ✓ How does the ELT approach comply with or modify the court's existing practices?
- ✓ Consider potential impact(s) that the use of the ELT may have on the court's ability to achieve its purposes as articulated in its mission, vision, and goals.
- ✓ How might existing court culture conflict with the ELT approach in your court? What steps might you take to address these concerns?
- ✓ What potential impact might the ELT have on the future leadership of the court? The future management of staff?

Debrief:

Report out lessons learned to the whole class.

What themes have emerged?

Activity Twelve: Leadership Action Plan

Materials Needed: Flip chart or dry board to record ideas, marker, paper and pencil for each group.

Total Time Required: 20-25 minutes.

Group Size: Class will work individually and then share with a small group or their table.

Instructions:

Individually, write down your responses to each of these questions as the beginning to your personal leadership action plan. Share with your group.

- ✓ After reviewing the NACM Competencies, what areas do you need to focus on?
- ✓ Which is your greatest strength?
- ✓ Which is your greatest weakness?
- ✓ What actions can you take to build on your strength?
- ✓ What actions can you take to improve on your weakness?
- ✓ By when?
- ✓ What result should you expect?

Follow-Up:

Have each person use a chart or paper to do a cloud or picture made up of words that reflect their personal leadership style.

Debrief:

Report out lessons learned to the whole class.

What themes have emerged?

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