



NATIONAL ASSOCIATION FOR  
PRESIDING JUDGES AND COURT EXECUTIVES  
Leadership Guide 1  
Building and Maintaining Productive Pairs

Adapted from a 2016 NAPCO Conference Trial Court Leadership Academy Day  
Sponsored by NAPCO and the National Center for State Courts  
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This NAPCO Leadership Guide, *Building and Maintaining Productive Pairs*, is intended to acquaint presiding judges and court executives with resources and strategies to strengthen the skills needed to lead and govern court systems effectively; provide frameworks for court leaders to apply to their leadership challenges; and to focus on three core skills to develop productive leadership pairs.

The three skills necessary for “productive pairs” include:

- Building trust through role negotiation.
- Clarifying decision rights in loosely coupled organizations.
- Communicating effectively through direct conversations, building trust and using influence.

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### **1. Think about your court leadership challenges.**

Courts are complex organizations that must provide for a myriad of constitutional and statutory responsibilities. As court leaders, it is important to understand the dynamics and characteristics of an organization to enhance successful attainment of these lofty duties. Similar to higher education and medical institutions, courts can be described as “loosely coupled organizations” and include these attributes:

- Federated governance structure – professional groups retain a high level of autonomy from central authority.
- Accountability versus independence – the goals of the organization may not be in concert with those retaining individual decision making authority and responsibility for the actual work.

- Unpredictable connections – alliances between professionals within the organization and outside entities (stakeholders, legislators, funders, etc.) can be both a benefit and impediment to an organization.
- Complex knowledge-based decision making – professionals working in an organization require a highly advanced body of knowledge and must apply complex concepts in completing their work. Personal achievement is rewarded and valued.

The features of a loosely coupled organization create unique challenges, including confusion and frustration within the court and external to it, erosion of trust, inefficient and ineffective use of time and resources, and untimely and/or poor decision making processes. Court leaders must consider their own culture and environment and how these factors impact their ability to lead and govern effectively. In doing so, courts can achieve their ultimate goal – to administer justice and achieve public satisfaction.

When working in a loosely coupled organization, it is important to understand the unique constraints and complexities of the environment. As noted by Mary McQueen in *Governance: The Final Frontier*, “By embracing the practices of governance mechanisms that have proven effective in administering similar loosely coupled organizations court leaders can achieve a governance structure that is more consistent with its complexity and ultimate goal—to administer justice and achieve public satisfaction.”

Resources: [\*Governance: The Final Frontier\*](#); [\*Herding Lions\*](#), [\*Shared Leadership of State\*](#)

[Trial Courts: A Case for Court Governance Principles.](#)

## **2. The value of productive pairs.**

As described in the *Center for Applied Research (CFAR) Briefing Notes: Productive Pairs*, some of the value and characteristics of productive pairs (presiding judges and court executives, specifically) are:

- Separate bodies of knowledge and networks.
- Understanding and valuing each other's area of expertise and perspective.
- A shared passion for the purpose as well as a shared vision.
- Enough time together to share the interdependencies.
- Trust of one another and strength in resisting being split apart.

Consider what strategies you can take to build a culture where court leaders operate effectively and efficiently as productive pairs. Becoming a productive pair requires mutual trust rather than conflict; interdependence rather than undermining behavior, collaboration rather than rivalry or competition; clear and formal roles rather than undefined roles; and communication rather than disconnection. Court leaders who are skilled at listening, who afford respect, and who effectively communicate, build legitimacy not just for their own work but for the institution as a whole.

Resources: [CFAR Briefing Notes: Productive Pairs](#); [Productive Pairs: Lessons from the Ark, Mary McQueen Presentation \(Kevin Burke article\)](#).

## **3. Role negotiation in productive pairs is an effective strategy to strengthen court leadership teams.**

Role negotiation can help court leaders work across personal and role differences to clarify expectations about the behavior required to create productive working alliances. It enables presiding judges and court executives to discuss informal agreements and expectations they have of each other that often influence how well they work together.

The lack of effective role negotiations results in confusion and frustration, erosion of trust, wasted time and poor decision making.

Successful role negotiations take the mystery out of understanding the other's point of views through focusing on the task, clarifying expectations and demands of each other, and providing honest feedback and positive reinforcement. Guidelines for effective feedback rely on being specific, using concrete examples; describing, not evaluating or attributing motives; and being timely with the feedback.

There are generally three types of questions asked during a role negotiation:

- More of – if you do the following things more or better, it would help me to increase my effectiveness.
- Less of – if you were to do the following things less, or were to stop doing them, it would help me to increase my effectiveness.
- The Same – the following things which you have been doing help to increase my effectiveness and I hope you will continue doing them.

Resources: [CFAR Role Negotiation Process.](#)

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#### **4. Clarifying roles through decision charting will strengthen your effectiveness as court leaders.**

Lack of clarity about roles in the court can hurt collaboration. Decision charting is a tool that can help court leaders clarify roles by negotiating a clear and shared understanding of roles, authority, communication and decision processes. Decision charting helps court leaders and others in the court system to articulate authority, roles and responsibilities.

Responsibilities or roles in decision making include:

- R – “Responsible” – the person who takes the initiative in the particular area, develops alternatives, gets relevant consultations, makes the initial recommendation to the A; accountable if nothing happens in this area.
- A – “Approve” – a person who must sign off (or veto) a decision before it is implemented. A selects from options developed by the R role; accountable for the quality of the decision.
- C – “Consulted” – a person who must be consulted prior to a decision being reached by with no veto power; accountable for giving their best thinking to the R or A.
- I – “Informed” – a person who must be notified after a decision is made, but before it is publicly announced; someone who needs to know the outcome for other related tasks but need not give input; accountable for following through on their tasks after being informed.
- X – “No Role” – this person has no role in the decision; accountable for staying out of the decision process.

Resources: [\*Trial Court Leadership Academy\*](#) (see 8:30 a.m. session materials – PDF 1, PDF 2, PDF 3, PPTX).

#### **5. Building trust with your colleague within the productive pair is paramount to success.**

There are many factors that impact trust. For example, shared expectations that you live up to over time, or clarity of roles or aligning interests and goals. Building “interdependence” in your relationship is important i.e. “we need each other” to succeed for our court to be successful. Other elements include visibility and open communication, maintaining confidentiality, providing candid and constructive feedback to each other and maintaining a genuine interest in each other.

You develop trust in each other through a cycle of behavior. You should set and agree upon expectations, then test those expectations over a period of time to see if they are being met and then adjust as needed. You also develop trust through transparency and accountability. It’s all about your words AND your actions.

Resources: [\*Trial Court Leadership Academy\*](#).

#### **Improve communication to strengthen your productive pair.**

There are a number of best practices that you should employ to improve communication with your productive pair. Always use, direct and honest communication. Provide timely feedback. Support decisions once they are made. Foster trust and open communication. Listen actively in important conversations and ask good probing questions. Deal with conflict constructively.

After thinking about these best practices, assess how both yourself, your productive pair and your court do along these dimensions.

Resources: [Trial Court Leadership Academy](#).

**Use influence to communicate more effectively.**

Influence and persuasion are communication processes and a way of leading in complex organizations such as courts – where you may or may not have authority. It’s through influence and persuasion that leaders can collaborate effectively and achieve goals. Focus on interpersonal elements such as relationships and credibility and on organizational elements including beliefs and values, interests and channels and language. Try to understand the interests of others – how are they aligned with your interests, what can you do to gain their support, do you have any shared interests?

One secret to success is “perspective taking.” How can you gain the other person’s perspective and see the issue from their point of view?

Resources: [Trial Court Leadership Academy](#)  
[The Art of Woo: Using Strategic Persuasion to Sell Your Ideas](#).

**6. Apply the lessons learned.**

Think of the next 30 to 60 days as your window of opportunity. Identify an area(s) to work on, actions to take, expected challenges and measures of progress.

Think about the lessons learned and skills identified in this NAPCO Leadership Guide. How can you use these skills and tools to strengthen leadership in your court? What are the challenges doing this from your perspective? What are the advantages you have?