



NATIONAL ASSOCIATION FOR
PRESIDING JUDGES AND COURT EXECUTIVES
Leadership Guide 2
Stimulating & Managing New Court Directions

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Sponsored by NAPCO and the National Center for State Courts
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This NAPCO Leadership Guide, *Leading Change: How to Stimulate and Manage New Directions in Courts*, is intended to acquaint presiding judges and court executives with resources and strategies to help productive pairs lead a loosely-coupled system through change in often turbulent times. (Please refer to *NAPCO Leadership Guide – Building and Maintaining Productive Pairs* for discussion regarding productive pairs and loosely coupled organizations.)

The three skills necessary for “leading change” include:

- Improving planning and analytical skills to understand major change dynamics. Whenever appropriate, use data and evidence-based practices to support the need for change.
- Recognizing yourself as a “change leader” who can effectively deal with and move change. Understand the difference between “change” (the desired organizational outcome) and “transition” (the internal psychological process).
- Using culture as a critical asset to work through change in turbulent times. Culture is distinguishable, systemic and binding. Know the culture of your organization and how to leverage its strengths and account for its weaknesses.

1. Think about what defines turbulence, its sources, and challenges.

Courts are complex organizations that must fulfill myriad of constitutional and statutory responsibilities. As court leaders, it is important to find ways to understand the elusive dynamics of leading change to help courts through inevitable turbulent times. First, we must look

at what defines the turbulence that often signals the need for change.

Turbulence = Pace x Disruptiveness of Change

- **Pace** = acceleration and volume of change.
- **Disruptiveness** = variety and severity of surprises and shock.

The turbulence resulting from this formula creates a fundamental disruption in the way an organization operates, often necessitating a change in operations.

Turbulence may arise in a court from changes in how that organization functions. For example, change may be seen from:

- Moving from a command and control, hierarchical model to a collaborative, distributed decision-making model.
- The introduction and use of new technologies that change business practices and organizational relationships.
- Fundamental shifts in the public’s expectations of court performance, including access, transparency and accountability.

As leaders, we may see such a shift occur when, for instance, we lead our courts from being staff driven to customer driven. The shift in function creates a drive toward further autonomy that challenges leaders to find means to motivate others over whom they have varying degrees of authority.

Turbulence may also occur when a moment happens in an organization that cannot be ignored. Described by Malachi O’Connor and Barry Dornfeld in *The Moment You Can’t Ignore* as the “un-ignorable moment,” which often causes leaders to implement needed

change. Such a moment calls for leaders to find a degree of comfort with disruption (turbulence) and confusion while determining the new direction the court must take.

Resources: *CFAR Leading Change – How to Stimulate and Manage New Directions in Courts, Court Leadership Academy* (Barry Dornfeld, Ph.D.; Mary McQueen; Gordy Griller; Hon. Patricia Costello); *The Moment You Can't Ignore: When Big Trouble Leads to a Great Future* (Public Affairs 2014); *NAPCO Leadership Guide – Building and Maintaining Productive Pairs*; *Trial Court Leadership Academy*.

Examine your organization – with patience – and work with resistance.

When that “un-ignorable moment” happens, causing you, as a court leader, to implement change, do not rush to become “unstuck.” Instead, as O’Connor and Dornfeld note in *The Moment You Can't Ignore*, learn how to “leverage the power of stuck.”

“Stuckness” provides opportunities to “listen in” and learn about your organization by:

- Observing actions and behaviors that demonstrate how people in your organization are thinking.
- Seeing the problem (or “un-ignorable moment”) through the lenses of others in your organization.
- Listening to others, including pausing, capturing content in context, and asking questions without reliance on your own assumptions.
- Searching for multiple perspectives from a variety of sources.

Where such observation reveals resistance, move towards it as it is more productive to work with resistance than to work against it.

Resistance is best viewed using the following lenses:

- A part of every change implementation.
- Always about the system. Provides useful feedback about how to work through it and effectuate real change.

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2. Find hidden assets within your organization.

As William Gibson, science fiction writer, noted: “The future is already here, it’s just unevenly distributed.” Thus, first look to your court as it may likely already have hidden assets and strengths that can be employed to help you as a leader move in the needed direction. Emerging in your court may be the beginning of the change you want or need to make.

These assets can be viewed as “found pilots,” that consist of “people, projects and efforts where behavior is moving in the direction you want to go.” Found pilots can be a “fragmentary piece of a desired new behavior” or “the infrastructure, support or mechanism for the behavior.”

Once found, the pilot can be used as a learning tool or resource. Significantly, a found pilot helps “you change the culture by *working with it*, not trying to replace it.”

Found pilots are building blocks or raw materials that may attract others and are early

efforts. However, they are generally neither complete models nor perfect examples. Rather, found pilots are diagnostic in nature, teaching how to make the desired change by revealing the:

- Texture and detail of what the new way of working may look like once in place.
- Structures and skills that may be needed for the new practices.
- Differences in what is now in place, giving rise to an assessment of how much stretch it will take to implement change.
- Similarities to what is already in place.

Court leaders often discover “found pilots” while “listening in” to their court in times of “stuckness” or when searching for raw materials or building blocks to lead toward change. These periods provide real opportunities for court leaders to exert their leadership skills in building consensus and support for changed behavior.

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3. Lead change in the twenty-first century by using influence and persuasion, by learning to pull others along instead of pushing, and by engaging stakeholders.

Leadership during times of change is:

- A matter of relationships not position.
- A matter of communication not edicts.
- A matter of persuasion not power.

In moving forward, leaders either choose to push people or pull people. When pushing, leaders compel others into compliance with change, leading to timely management of people. Leadership by pushing relies on position, edicts, and power.

By contrast, pulling people into commitment to change leads to employees who are motivated to manage the change. Pulling requires using influence and persuasion to motivate others to help implement change. In addition, pulling helps work through resistance as it creates opportunities for others, who then become motivated and committed to the change.

Pulling strategies are communication processes that allow you to lead a loosely coupled organization where you may not have actual authority over all that are needed to implement change. Through the tools of persuasion and influence, leaders can collaborate to achieve goals. As John Maxwell states, “The pessimist complains about the wind. The optimist expects it to change. The leader adjusts the sails.”

The model of pulling also allows you to enlist others to do the “pulling” for you – in other words, triangulate. This is best explained by examples from other disciplines:

- Campaigns to prevent drunk driving aim the message at people surrounding a “drunk driver” instead of targeting the message to the “drunk driver” directly.
- In a study, hospital patients were taught risks of infections when a caregiver fails to wash his or her hands. The patients were instructed to ask whether a caregiver had washed his or her hands. Study results indicated that caregiver handwashing had increased. Again, leaders targeted the hospital patients rather than the caregivers.

Likewise, court leaders must engage stakeholders in a systematic manner to effectuate change. Leaders must assess each stakeholder's interest in the change and the stakeholder's influence.

Where a stakeholder has a high level of influence coupled with a high level of interest in the proposed change, leaders should:

- Build coalitions among members of this stakeholder group.
- Link the stakeholders with others.

Where the same group of stakeholders is against the change, leaders should:

- Listen carefully to the stakeholder group regarding the sources of resistance.
- Find common interests between the stakeholder group and court leaders.
- Reframe the issue where possible.
- Make them part of the solution.

Where a stakeholder group has less influence but an interest in the proposed change, leaders should:

- Connect those stakeholders with the more powerful or influential stakeholders.
- Keep this group of stakeholders informed.

Where the same group of stakeholders with less influence is opposed to the proposed change, leaders should:

- Either convert them by persuasion publicly and clearly indicate why the resistor view was not followed.
- Prepare to manage and respond to any road blocks this group will present.

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Ph.D.; Mary McQueen; Gordy Griller; Hon. Patricia Costello); The Moment You Can't Ignore: When Big Trouble Leads to a Great Future (Public Affairs 2014); *Trial Court Leadership Academy (see 8:30 a.m.-4:30 p.m. session handouts).*

4. Applying the lessons learned to develop a “change project.”

Take time now to reflect on your court. As a productive pair, begin to describe the change you are trying to create or one that needs to be implemented due to an “unignorable moment.”

Start by writing a few thoughts about what your court needs to move “from” and where you are trying to move “to.” Next, review the “moving to” list and briefly describe the “change project” you are moving toward.

Once you have identified the “change project,” locate “found pilots” in your organization that are already either demonstrating a piece of the desired new behavior necessary for the “change project” or have a piece of the infrastructure, support, or mechanism for the “change project.”

Reflect on these found pilots, asking:

- What can I learn from this “found pilot?”
- How can I use this “found pilot” to move toward my “change project?”
- Who are the key allies or stakeholders surrounding the “found pilot?”

Next, list your stakeholders involved in the “change project.” Assess each stakeholder's interest in your “change project” and the level of influence each has regarding the “change project.”

Then, map out your “pull” strategies. Lastly, review and adjust strategies as necessary as you move forward with change.

Periods of change provide real opportunities for court leaders to show what they are made of, and to move court systems to be the best that they can be. Change also provides the opportunity to build other leaders within the organization and to build capacity within your system.

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