Governance in Today’s Courts

Part II – Effective Governance Through Productive Pair Leadership

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Courts as Complex Organizations

Characteristics of Loosely Coupled Organizations

- Complex Knowledge-based decisions
- Professional Autonomy
- Accountability v. Independence
- Unpredictable connections
<table>
<thead>
<tr>
<th>Higher Ed.</th>
<th>Healthcare</th>
<th>Courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>University President</td>
<td>Hospital President</td>
<td>Chief Justice</td>
</tr>
<tr>
<td>Provost</td>
<td>Hospital Administrator</td>
<td>Court Administrator</td>
</tr>
<tr>
<td>Dean of College</td>
<td>Chief Medical Officer</td>
<td>Administrative Judge</td>
</tr>
<tr>
<td>Department Chair</td>
<td>Director, Clinical Services</td>
<td>Trial Court Manager</td>
</tr>
<tr>
<td>Tenured Faculty</td>
<td>Physicians</td>
<td>Judges</td>
</tr>
<tr>
<td>Students/Alumni</td>
<td>Patients</td>
<td>Lawyers/Parties</td>
</tr>
</tbody>
</table>
Loosely Coupled Organizations

Challenges to effective leadership

• Confusion and Frustration
• Erosion of Trust
• Wasted/Poor Use of Time
• Poor Decision-Making

... which can all undermine institutional effectiveness and efficiency
Characteristics of Productive Pairs

• Separate bodies of knowledge, networks
• Different ways of looking at the world
• Understanding and valuing each other’s area of expertise and perspective
• Shared sense of mission, and often, a shared passion for the purpose
Moving Toward a Productive Pair Relationship

Characteristics, continued

• Enough time or history together to explore the interdependencies

• Trust one another that enables direct talk and push back

• Resisting being split apart by the manipulations of their respective challenges
Moving Toward a Productive Pair Relationship

- Conflict
- Undermining behavior
- Rivalry / Competition
- Undefined roles
- Disconnection

- Mutual Trust
- Interdependence
- Collaboration
- Clear/ Formal role definition
- Communication
Moving Toward a Productive Pair Relationship

So how do we get there?

• Two Tools for Strengthening the Relationship
  o Role Negotiation
  o Decision Charting
Enables Presiding Judges and Court Administrators to:

- Work across personal and role differences to clarify expectations about behavior required to create productive working alliances
- Discuss the informal agreements and expectations of each other that often influence how we take up our roles
Role Negotiation assumes...

Most people prefer a fair, negotiated understanding about roles rather than a state of uncertainty or unresolved conflict and are willing to make some concessions to one another in order to achieve that shared understanding.
Successful Role Negotiations...

- Focus on task
- Clarity of expectations and demands from each other
- Honest feedback
Successful role negotiations rely on feedback...

- Be specific – use concrete examples
- Describe, do not evaluate – explain your position without evaluating or attributing motives to another person’s behavior
- Be timely – the best feedback is given close to the time the event occurred
### Role Negotiation

<table>
<thead>
<tr>
<th>The types of Questions</th>
<th>More of – If you do the following this more or better, it would help me to increase my effectiveness in my role…</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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 in my role…</td>
</tr>
<tr>
<td></td>
<td>The same – The following things which you have been doing help to increase my effectiveness, and I hope you will continue to do them…</td>
</tr>
</tbody>
</table>
Decision Charting

- Clarifies roles and authority
- Improves communication/involvement
- Creates a better decision-making process
- Promotes fairness
- Advances legitimacy
Three necessary elements to chart a decision

- The list of people who either have, believe they have, or should have something to say about the decision
- A way to describe the role of each of those people
- A decision
<table>
<thead>
<tr>
<th>R</th>
<th>Responsible</th>
<th>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 the area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Approve</td>
<td>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.</td>
</tr>
<tr>
<td>C</td>
<td>Consulted</td>
<td>A person who must be consulted prior to a decision being reached, but with no veto power; accountable for giving their best thinking to the R or A.</td>
</tr>
<tr>
<td>I</td>
<td>Informed</td>
<td>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.</td>
</tr>
<tr>
<td>X</td>
<td>No Role</td>
<td>This person has no role in the decision; accountable for staying out of the decision process.</td>
</tr>
</tbody>
</table>
Example:
Decision to Approve the use of an Electronic Recording System in the Family Department.

<table>
<thead>
<tr>
<th>Official</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presiding Judge</td>
<td>A or R ?</td>
</tr>
<tr>
<td>All Judges</td>
<td>A or C ?</td>
</tr>
<tr>
<td>Court Administrator</td>
<td>A or R ?</td>
</tr>
<tr>
<td>Court Reporter Manager</td>
<td>C or I ?</td>
</tr>
<tr>
<td>Chief Technology Officer</td>
<td>C or I ?</td>
</tr>
<tr>
<td>Court Reporters</td>
<td>C, I, or X ?</td>
</tr>
<tr>
<td>Facilities Manager</td>
<td>C, I, or X ?</td>
</tr>
<tr>
<td>Other?</td>
<td></td>
</tr>
</tbody>
</table>
Why are Role Negotiation and Decision Charting Important?

- Builds Trust
  - Transparency
  - Accountability
- Improves Communication
Thank you for attending!