

THE CHIEF DISTRICT JUDGE AS MANAGING PARTNER

Michael Crowell
UNC School of Government
December 2013

The School of Government's leadership programs for chief district judges in the last few years have been based on models designed for business or other professions. There does not appear to be any leadership literature or training customized for chief district judges. As a result, sometimes the examples and exercises in the materials, though certainly helpful, do not hit home quite as neatly as one might like.

This made me start thinking about leadership roles comparable to that of a chief district judge. Who else appears to be in charge while actually having only limited authority? Who else has to attempt to steer people all of whom consider themselves at least your equal in importance and rank? One good analogy, it seems to me, is the managing partner of a law firm. For those chief district judges who practiced in firms before taking the bench, the comparison might resonate.

Think about it. Most law firms are partnerships, and everyone who makes it to partner is considered equal, at least in the formal sense. It's not often that someone seeks out the managing partner position, more often it goes to a more senior partner who has displayed ability as a lawyer, generally has the confidence of the other partners, and is willing to do it. No prior administrative experience is required or likely; the training occurs on the job. That sounds like a chief district judge. Here are other similarities:

- In most law firms the managing partner is expected to continue to carry the same workload as other partners, with the management side of things to be fit in when time allows. There may or may not be assistance from a professionally trained administrator, but in any event the important decisions cannot be delegated.

- Most law firms do not compensate the managing partner appropriately for the time devoted to managerial responsibilities and for the lucrative billable time lost. Although the managing partner may get a nominal sum as additional compensation, it hardly covers the additional work.
- Typically there is no document defining the managing partner's duties and powers; the partnership agreement is likely to cover withdrawal of a partner, compensation and perhaps selection of the managing partner, but not much else.
- Generally the other partners do not want to be bothered with administrative matters — unless they disagree with what the managing partner does.
- Staff look to the managing partner for action and think you have more power than you do.

The situations are not the same, but there are enough parallels between being a chief district judge and a managing partner to talk about them together. Based on my experience as a managing partner, and some lessons from standard leadership training, here are a few thoughts on leadership in this context:

Be a leader

Managing partners usually do not start out thinking of themselves as leaders; for the most part they fall into the job and consider themselves part-time managers. It takes a while to realize the importance of the leadership role. Likewise, you may not have thought of being a leader when you agreed to become chief district judge, but that is who you are now and your acceptance of the role is crucial to improving the courts in your district.

To lead you have to know where you want to go. An essential part of a leader's job is to inspire others. A managing partner has to inspire partners, associates, paralegals and assistants to believe in the firm's work. Your ability to articulate a vision for the court is critical to making court personnel believe that the organization matters and their work is important. Of course, you cannot do that unless you have thought about what you want to accomplish. Take time to sit down and think about how you want

people to remember your time as chief judge. You cannot lead anyone until you know where you want to go.

People want to feel they are part of something worthwhile. People are motivated by all sorts of things. Money certainly matters. Status — often measured by money — is important. Working conditions make a big difference. But what drives people more than anything else and excites and invigorates them is to feel that they are part of an organization that is doing good. The institution's identity is a critical piece of their own identities. This is true not only for the partners in the law firm, and the associates, but also the paralegals, the legal assistants, the runners, even the cleaning crew. They all celebrate and are proud when the firm wins a big case.

It's no different in the courthouse. To the extent you can make everyone who works there — the judges, the clerks, the judicial assistants, the bailiffs, the cleaning crew, etc. — feel that they are part of a larger, important organization performing a crucial public service, the better they will perform individually. Find ways to share the court's accomplishments and acknowledge as often as possible that everyone contributes to the success. Treat everyone as an important part of the organization.

Take the time to be the chief district judge. Being the chief is different from being a district court judge. You certainly have additional duties, but more importantly you now are a leader. You need to set aside time for that role. The managing partner cannot do that job well without giving up some clients and cases. A chief district judge cannot maintain the same caseload as other judges. Instead of a "to do" list, you may need a "do not do" list. You need to think hard about the things that really require your personal involvement and the things that others can handle just as well.

Set an example and set standards

Whether you wanted it or not, others look to you for clues on how to behave. They are going to see your behavior as demonstrating what they should do. You need to set an example of what is expected in the courthouse.

Back up staff. One of the most significant opportunities for setting an example is by supporting staff. Unfortunately, people who consider themselves important tend to run over people they view as less important. And it is part of many lawyers', and judges', psyche to think they are more important. A good managing partner backs associates and paralegals and assistants when the other partners get carried away, and does not allow associates to abuse staff. If you want courthouse staff to know that you truly appreciate their role and value their service, stand up for them when the judges get too bossy. In return you will get loyalty and better performance.

Share information. There seems to be something about being in an administrative or management position that makes people reluctant to share information. Maybe it's a feeling that keeping information about budgets, building plans, personnel changes, etc., to one's self establishes more control. Maybe it's a feeling that others simply are not sufficiently informed to understand the information correctly. Maybe hoarding information makes some people feel more important. Whatever the reason, it's usually wrong. There seldom is any danger in sharing information; it makes people feel they are respected; and it may prompt someone to think of something you overlooked. Again, you are a leader and others pay attention to what you do. If you share, so will others.

Decide what you are going to measure and let people know. Measurement is a strong motivator. No one wants to be last on a list. In law firms typical measurements are hours billed and dollars collected. An associate who comes in last on the monthly report of billable hours will work harder. A partner with the lowest collections will become more productive. Nothing needs to be said, the distribution of the report is enough by itself.

Consider what truly matters and can be reasonably measured in the courthouse — and then circulate that information on a regular basis. It may or may not be the statistical data available from the AOC; it may be some other information you need to collect. For judges it might be cases disposed or hours on the bench or something else. It needs to be something important, something that everyone will see as a reasonable assessment of how they are doing. And when they see how they are doing they will respond without any further prompting.

Act, but tell people first. A common characteristic of the managing partner and chief district judge jobs is that the formal authority is limited or vaguely defined yet lots of people think you are in charge and expect you to make decisions. Many questions come up that someone has to decide, you are the most obvious candidate, and your peers — your partners or fellow judges — are glad to have you handle it. So long as you don't do something they don't like.

You should act, that's what being a leader means. But be sure that you have communicated to your colleagues what you intend to do. This is a good use of email. Explain the problem, state your solution, and be clear that if they want to object or discuss they have to let you know by a specified deadline. Most of the time they will not respond — they want you to solve the problem so they do not have to deal with it — but you may prevent some second-guessing by having given the opportunity.

Of course, the degree to which you consult with others, and the level of buy-in you need, depends on the issue. If it's something really important with long-term implications, you will need to talk to people one on one, sound them out, then bring everyone together, explain your reasoning, encourage discussion, and adjust the answer accordingly to reach consensus. Do not have a group meeting, however, until you have spoken individually with the key players and know their views.

Honesty, above all. Be honest and straightforward. If someone has screwed up, tell them directly, clearly and simply. Do not hem and haw, do not equivocate, and do not get dramatic, just say what was wrong and why and what needs to be done next. If someone is not performing up to par, let

them know, do not string them along. People want and appreciate and can deal with honesty; it's much harder when you do not know where you stand.

Change when needed

Organizations have histories, procedures, rules, habits. That structure is necessary, but it should not get in the way of getting things done. Do not be afraid to tweak the rules when necessary. Do not think rigidly, for example, that everyone always has to be treated the same. While playing favorites is wrong and creates jealousy and affects morale, you still need to find ways to reward those who perform better. The judge who is always on time, handles the caseload efficiently, and volunteers to help others with their overflow, ought to get first choice in assignments. The judicial assistant who is cheerful, works hard, is willing to take on any task, ought to have preference in choosing vacation days. Be more accommodating about work schedules for the most productive people in the office. You do not have many ways to recognize superior performance; take advantage of the few you have. Make sure, though, that it is clear to everyone that you are rewarding good work. The people who deserve that recognition are not the sort who will take advantage of it.

Help others flourish

Satisfaction in one's work often is tied to how much responsibility one is given. A person needs to be depended upon, even if for the most mundane task, to feel an important part of the organization.

Trust people, give them responsibility. Do not micromanage. Explain carefully what needs to be done but let them figure out how to do it. Let them know that you are confident they can do the job. And don't overreact to mistakes. Everyone will screw up from time to time, that's how we learn. You will make your share of mistakes so why should you not expect the same from others? The person who has been given responsibility, who has been trusted to do something, will care much more about the

outcome, will learn more from those mistakes, than the person who is just carrying out someone else's orders.

People know how they are doing. One way to approach an underperforming employee or colleague is to start with "Tell me how you think things are going." You will be surprised at how well people understand and are ready to talk about their own shortcomings. And having them identify problems leads to a much more productive conversation than your recitation of what's gone wrong. You also will learn a lot more about what may be keeping the person from performing as well as you would like. There are not many really bad, just plain lazy people in the world. There are lots of people in the wrong job, lots of people who do not fully understand what is expected of them, lots of people who have family or health or financial issues that affect their work, lots of people who do not feel sufficiently appreciated and motivated. Telling them how poorly they are doing is not going to change things. Listening to them, understanding them, knowing what affects their work, gives you an opportunity to help them perform better — as most people want to do.

Enjoy and reward

Everyone wants to be appreciated, it is one of the most important factors in job satisfaction. And everyone wants to enjoy the place where they work. The chief district judge has lots of opportunities to show that appreciation. Do not forget that people in the courthouse look up to you; a good word from you carries far more weight than you think.

The personal touch is important. A chief district judge does not have the range of rewards to offer that may be available to a managing partner. You cannot pay bonuses or give extra days off. However, you can acknowledge good performance in small ways. When you do so, the personal touch makes it much more meaningful. Our law firm used to send staff out to a restaurant for Secretary's Day

(now, Administrative Professional's Day). That was okay but when we switched to having the lawyers prepare and serve a potluck lunch it meant ten times more.

If someone has done particularly well, go seek them out and tell them how much you appreciate their work. A handwritten note means more than an email. A small reward — a \$20 gift card, some flowers, a lunch, a plate of cookies — goes a long way. You may have to spend a few dollars of your own money, and maybe do some cooking, but the payoff is far greater than you can imagine. The fact that it's personal, that it comes directly from you, is what matters.

Walk around. Know the people you work with and show that you are interested in them. Take a few minutes to walk around the building from time to time. Stop and chat. Find out about people's families, their hobbies, their interests, the teams they root for. People love to talk about themselves and everyone has an interesting story. And use first names. You do not lose any dignity or authority by being on a first name basis; respect comes from how you behave, not your title.

Have some fun. Dignity is essential to the court system but it does not require stiff formality in all your dealings with your colleagues and court employees. A little humor makes the day go easier for everyone, it brings people closer. You do not have to be a back slapper; just do not take yourself too seriously. Be willing to laugh at your own mistakes.

This paper may be used for educational purposes without further permission.
Use for commercial purposes or without acknowledgement is prohibited.
© 2013, School of Government, University of North Carolina at Chapel Hill.