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OVERVIEW

This seminar analyzes effective leadership in the court setting as California courts strive to be leadership organizations in a rapidly changing administrative, policy, political, and fiscal environment. During the past two decades court leaders have encountered the need to manage significant organizational change. To do so effectively, courts have become commensurately more complex institutions requiring greater professionalism and leadership than in previous eras. Evidence of this change can be found in the relationship between court managers and judges where, increasingly, administrative leadership roles are shared. The seminar explores the relationship among organizational structure, court hierarchy and professional leadership. The unprecedented fiscal crisis and resulting budget cuts in 2009 provide a context for a dynamic and timely examination of court leadership through an academic lens.

SPECIFIC LEARNING GOALS

When you have completed your study of court leadership, you will be able to:

1. Define the general nature of leadership and the characteristics that tend to distinguish leadership and management particularly in relation to courts and other public sector organizations;
2. Describe standard theories of organizational leadership, their general assumptions, strengths, weaknesses and contingent nature;
3. Identify the potential effects of organizational culture on court leadership and managing organizational change and the extent to which court leaders shape or are shaped by that culture;
4. Explain and evaluate the relationship between court leadership, court performance, strategic planning and the court executive's leadership role in carrying out the court's mission; and
5. Apply theoretical models to practical examples that illustrate the qualities of an innovative leadership organization.

CLASS DELIVERY

This course is designed as an intensive graduate seminar. All classes will be held at the Administrative Office of the Courts, Northern Central Regional Office, 2860 Gateway Oaks Drive, Suite 400, Sacramento, California 95833.

- The location of this class is easily accessible by car, air, train and bus. (See [map](#).) Please go to the 4th floor of building 2860 and ask for the American Conference Room.
- Two meetings per month on a Friday and Saturday, each day having six hours of instruction time, is the equivalent of a standard fourteen week graduate seminar meeting weekly. Class dates are:

September 25 & 26	Courts as Leadership Organizations
October 23 & 24	Leadership and Judicial Branch Intergovernmental Relations; Leadership and Strategic Planning (Part 1)
November 20 & 21	Leadership and Strategic Planning (Part 2) Culture, and Ethics
December 18 & 19	Court Innovation, Technology and Leadership

- Students will have an opportunity to meet with guest lecturers including judicial branch leaders, judges, court administrators, and leaders from the legislative branch.

CONDUCT OF THE SEMINAR

The structure of this class, its intensive format, and the nature of its topics demand full class participation by each student. Each student *must* come to class having completed all readings. Students must be prepared to critically respond to the discussion questions provided for each session. The seminar is discussion based, and each student is expected to contribute to each class and present questions and/or responses to the materials. Students' participation will be assessed, in part, by their ability to incorporate into seminar discussions information from the assigned readings and thoughtful reflection.

READINGS

In addition to the required texts (available at the Hornet Bookstore) listed below, e-readings or recorded lectures (available on YouTube) may be required for each month.

1. *The Art and Practice of Court Administration* (Aikman, Alexander B. (2007)),
2. *On Leadership* (John W. Gardner – 1993 paperback)
3. *Trial Courts as Organizations* (Ostrom, Hanson, Kleiman – 2007 hardcover)

4. *Business Leadership: A Jossey-Bass Reader* (The Jossey-Bass Business and Management Reader Series – 2008 paperback)
5. *Leadership: Theory and Practice* (Peter G. Northouse – 2007 paperback)
6. *A Practical Guide for Policy Analysis: The Eightfold Path to More Effective Problem Solving* (Eugene Bardach – 2009 paperback)
7. *Strategic Planning for Public and Nonprofit Organizations: A Guide to Strengthening and Sustaining Organizational Achievement, 3rd Edition* (John M. Bryson – 2004 hardcover) → Be sure to note this recently added text book.

ASSIGNMENTS

Assignments may be submitted by e-mail prior to the first day of the seminar. However, students must also provide a hard copy of each assignment at the start of each class as listed.

GRADING, MAKE-UP ASSIGNMENTS AND MISSED CLASSES

Late assignments will *not* be accepted. At the instructor's discretion, a student who misses a deadline *may* be given a make-up assignment. Whether a penalty will be assessed depends on the reason (e.g., a family emergency or serious illness constitutes a good reason; a competing requirement for another course does not).

You should inform the instructor *prior to class* if you must miss a class on a specific day. Except under very unusual circumstances, a student who misses three classes will be penalized one entire grade (e.g., a B+ for the course will become a C+), and a student who misses more than three classes will receive a failing grade.

Please go to CSUS's website – <http://library.csus.edu/content2.asp?pageID=353> – and read about plagiarism (e.g., what it is, what constitutes plagiarism, why you should avoid, etc.).

SEMINAR SCHEDULE

SEPTEMBER 2009: COURTS AS LEADERSHIP ORGANIZATIONS

This section explores qualities needed for effective leadership in the courts, which are institutions steeped in tradition and guided by statutes, policies, rules and customs. According to Robert Tobin, courts “distinguish between the privacy surrounding adjudication and the necessity for more administrative openness” (1999, cited in Aikman 2007). Students will study the current literature on leadership organizations. As students learn why leadership and management are not, arguably, exchangeable terms, they will also learn strategies to bring these terms together in the unique court culture and setting.

No guest lecturers.

READINGS:

For the September 25-26th seminars, please read (or re-read) Aikman chapters 6, 7, 8, and 9 in their entirety, chapter §§ 10.0 and 10.1, and chapters 11, 12 and 13 in their entirety, and read Part I of Bardach. In our first seminar, we will begin to discuss both an analytical framework for leadership, as well as a framework for policy analysis.

In a separate memo, you received notes and study questions to help you prepare for the seminar.

→ **September Writing Assignment A or B (you may choose A or B; see further instructions below)**

Due: September 25, 2009 in class.

Length: 4 to 7 pages (see details below)

Typed: 12 point Times New Roman font

Cover Page: Course Title, Paper Title, Date, Your name

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Assignment A Background: Chapter 11 in Aikman is devoted to the importance of external relations to court administration and Chapter 13 examines leadership organizations. There have been seven major ‘policy events’ in the past 19 years that appear to have had transformative effects on the administration and leadership of trial courts in California. For example, this year marks the 10th anniversary of the passage of the trial court unification amendment to the California Constitution. Following are brief summaries of these seven events.

- The **Trial Court Funding Act of 1988** (effective January 1989) provided state block grants to fund a portion of county costs for operating the trial courts. The grants were allocated by the state to each county based upon of the number of county judgeships – which are created by the Legislature. The grants amounted to approximately \$300 million. The funds were administered by the county and often did not benefit the courts.
- The **1989 Supreme Court of California decision** of *Zumwalt vs. San Diego Superior Court* ended the bifurcation of two trial court administration posts: the clerk of court elected by county voters and the court executive officer appointed by judges of the court. The Supreme Court ruled that the clerk of court function was inherently a judicial function and not subject to the electoral process - thereby overturning more than 100 years of tradition and administrative practice and consolidating full authority for administration of the courts into the hands of judges.
- The **1991 Trial Court Realignment and Efficiency Act** required trial courts to administratively coordinate activities between two levels of court (municipal court - equivalent to the English magistrate’s court and the Superior Court - equivalent to the Crown Courts) and to effect 5 percent, 4 percent, and 3 percent reductions in cost over a 3 year period resulting from better coordination of effort. The amount of state

funding grew from \$300 to \$750 million annually through a complicated transfer to the state from the county of local revenue (fines, fees, and bail forfeitures) generated by the courts. The courts in turn were given greater control over the state-provided funds and both courts and counties were made jointly responsible for accounting to the state for the expenditure of those funds. The funds remained locally administered through the county budgetary system.

- Under the **1997 State Trial Court Funding Act**, the State of California assumed full funding responsibility for the trial courts, ending a bifurcated funding arrangement where county government and state government shared funding responsibilities. The state now appropriates approximately \$2.1 billion each year to fund the trial courts in California. With full state funding has come greater financial oversight and budgetary control. At the same time, the Act also provided for independence from county control over the trial court's administrative infrastructure: accounting, budgeting, human resource management, facilities management, and other services historically provided by local government to its agencies. These administrative functions have in part devolved to local courts and, in part, devolved to new central court administrative structures within the Administrative Office of the Courts – the staff arm of the Judicial Council of California which sets administrative policy for the courts. A five year period of transition was established after which time counties and courts would engage in annual negotiation over services provided by the county or requested by the court. The process continues with courts transitioning at different speeds depending upon their readiness.
- The **1998 Trial Court Unification Amendment to the State Constitution** abolished the two-tier form of trial court structure and merged the lower court into the upper court creating a unified Superior Court. This had the effect of consolidating court administrative authority in one person in each county, the court executive officer – shrinking the number of top level court executives from 261 to 58 – one for each county. It also commensurately reduced the number of Presiding Judges to one in each county to whom the court executive officer became accountable.
- The **2000 Trial Court Employment Protection and Governance Act** created a new class of public employee denoted as a 'court employee' who is neither employed by county nor state. In essence, each court executive officer, rather than the county, has become the appointing authority acting on behalf of the court as the employer of record.
- The **2002 Trial Court Facilities Act** created a framework and protocols for transferring responsibility for the ownership and maintenance of over 450 court facilities to the state.

Assignment A Instructions: Drawing upon chapters 7, 11 and 13 in Aikman, and the leadership exercises and summaries provided to you, discuss in 4 to 7 pages at least two leadership challenges presented by trial court unification or

state trial court funding. To the extent possible, weave in one or two analytical concepts gleaned from Part I of Bardach as you discuss the leadership challenges.

Assignment B Instructions: Drawing upon chapter 6 in Aikman, the leadership summaries provided to you, and the attached information (3 links appear below) concerning the 2009 fiscal crisis in the courts and the Judicial Council's recent budget-related decisions, compare and contrast which of the four approaches (or combinations of approaches) to leadership might be more or less successful in dealing with the current budget crisis at the level of an individual court. Discuss the leadership-related steps you would recommend and why – again attempt to use the leadership theories and your practical experience in your answer. To the extent possible, weave in one or two analytical concepts gleaned from Part I of Bardach as you discuss the leadership challenges.

<http://www.courtinfo.ca.gov/presscenter/newsreleases/NR40-09.PDF>

<http://www.courtinfo.ca.gov/jc/documents/reports/072909item2.pdf>

<http://www.courtinfo.ca.gov/reference/documents/ccnprt2.pdf>

OCTOBER SEMINARS: LEADERSHIP AND JUDICIAL BRANCH INTERGOVERNMENTAL RELATIONS; LEADERSHIP AND STRATEGIC PLANNING (PART 1)

OCTOBER 23, 2009: LEADERSHIP AND JUDICIAL BRANCH INTERGOVERNMENTAL RELATIONS

Guest lecturer: On Friday, October 23, 2009, Mr. Drew Liebert, Chief Counsel to the Assembly Judiciary Committee, will discuss judicial branch leadership in the context of legislative and executive branch intergovernmental relations.

As you have learned, during the past 20 years there have been several significant 'policy events' (see summary for September seminar) that have had transformative effects on the trial courts in California. During this period, intergovernmental relations (largely legislative relations) have become increasingly important to the judicial branch. Greater administrative interactions with the other branches of government have presented a variety of leadership and institutional challenges. We will explore in this lecture the need to effectively balance judicial independence, political neutrality, and legislative advocacy.

Readings and Assignments for October 23rd: Reread Aikman, Chapter 11 regarding external relations. Read Business Leadership, Chapter 26, The Leader as Politician. Read Gardner, On Leadership, pages 23 to 47 (Leader-Constituent Interaction, Contexts) and pages 55 to 66 (Power).

Assignments: Prepare at least 2 questions for Mr. Liebert related to leadership, legislative and budget advocacy, and intergovernmental relations and submit them to me by email no later than October 15th.

Read Proposition 140 (Term Limits Supreme Court decision)

<http://www.lexisnexis.com/clients/CACourts/> and enter either the case number S019660 in the natural language query box or the full legal citation 54 Cal. 3d 492 in 'the get opinion by cite' field, you can read the opinion on line. You do not need a Lexis-Nexis login or password. In terms of court unification established in the 1998 General Election, the California Secretary of State's Web site contains ballot arguments and statements:

<http://primary98.sos.ca.gov/VoterGuide/Propositions/220.htm> . And, the state ballot proposition establishing the Judicial Council in the 1926 General Election can be found at the Hastings Law School Library digital repository for all state ballot propositions from 1911 forward. <http://holmes.uchastings.edu/cgi-bin/starfinder/935/calprop.txt>

The Psychology of Leadership. Lecture by Roderick Kramer, Stanford Business School, given at Harvard's Kennedy School of Government Center for Public Leadership. Power and Influence: Psychological perspectives on leadership.

This lecture is 1 hour and 16 minutes in length, and is assigned in lieu of one reading for this seminar. Please watch the lecture, reflect on the discussions that took place during the September seminars and the various schools or models of leadership studied thus far. Attempt to apply the concepts presented by Professor Kramer as you study the readings for the October seminars.

<http://www.youtube.com/watch?v=1fVbuqvK18c>

Note taking: We will discuss briefly a few techniques that graduate students use to more efficiently digest the readings and lectures that are required in post graduate study. "Book briefing" is as a method used in law school, and there are other techniques as well. You will assimilate and be able to integrate lecture information more easily if you take notes. And your participation in class will be enhanced by having taken notes while you read. Note taking will also help you with completing your final paper. I have found this thin book to be very helpful in learning how to study and take notes more effectively. This book is available from Amazon.com. Note-Taking Made Easy (Study Smart Series) (Paperback) by Judi Kesselman-Turkel (Author), Franklynn Peterson (Contributor). <http://www.amazon.com/Note-Taking-Made-Easy-Study-Smart/dp/0299191540>

OCTOBER 24: INTERGOVERNMENTAL RELATIONS (CONT.) AND STRATEGIC PLANNING (PART 1)

Guest lecturer: On Saturday October 24, 2009, Ms. Donna Hershkowitz, Assistant Director, Office of Governmental Affairs, AOC, will discuss the role and process by which the judicial branch advocates before the legislative and judicial branches. Discussion will include how the Judicial Council determines its positions and advocates on legislation and budgetary matters.

Other Guest Speakers TBD

Reading assignment for Strategic Planning (Part 1):

Read Aikman, Chapters 9-10. Read Bryson, Parts I-III, and scan the Resources section. Read Gardner, On Leadership, pages 112 to 120 (Community) and pages 121 to 137 (Renewing). Read Business Leadership, pages 287 to 335 (Part 4 (Making it Happen), and Chapters 21-25).

Discussion Questions for Strategic Planning:

1. Strategic planning in the courts – how do courts’ strategic plans issues compare to those of the executive branch, the nonprofit sector, and the private sector? Drawing from this month’s readings, evaluate.
2. What strategic planning adjustments must courts pursue in the case of budgetary constraints? What criteria should be used to make such adjustments?
3. Have you observed or been involved in processes to assess strategic Strengths, Weaknesses, Opportunities, and Threats (SWOT)? In preparation for the October seminar, brainstorm a SWOT list for the judicial branch of California in 2009-10. Be prepared to discuss, particularly as the SWOT issues relate to the Judicial Branch Strategic Plan: *Justice in Focus*.
4. How can courts institutionalize their long-term strategic plans? What are the key elements involved in formulating a vision of success?
5. How can the courts best plan for security and continuity of operations.

→ Assignment A or B due on Friday October 23rd

Assignment A: Posted on SacCT

Assignment B: Posted on SacCT

NOVEMBER 2009: LEADERSHIP AND STRATEGIC PLANNING (PART 2); COURT PERFORMANCE AND LEADERSHIP; CULTURE AND ETHICS

Guest lecturer: TBD

Reading assignment for Strategic Planning (Part 2):

Read the NACM Core Competency Curriculum Guidelines – all sections, particularly focus on Visioning and Strategic Planning
http://www.nacmnet.org/CCCG/cccg_homepage.htm

http://www.nacmnet.org/CCCG/cccg_10_corecompetency_visioning.html

Read Justice in Focus, the Judicial Branch Strategic Plan 2006-2012 at
http://courtainfo.ca.gov/reference/documents/strategic_plan_2006-2012.pdf

Guest Lecturer: Friday, November 20, Mr. Richard Schaffler, Director of Research Services, National Center for State Courts

Reading Assignments for November 20th:

Read Trial Courts as Organizations (Ostrom, et al.) Chapters, 1, 2, 3 and 4. Read Leadership – Theory and Practice (Northouse) Chapters 1 and 13 (Culture and Leadership).

Readings and Assignment for November 21st:

Read On Leadership (Gardner), Chapters 7, 8 and 9. Read Business Leadership (Gallos, et al.) Chapters 8, 15, 28, 32, 33 and 34. Read Leadership – Theory and Practice (Northouse) Chapter 14.

Class Assignment One: Take the “Perceived Leader Integrity Scale” (PLIS) (Northouse, p 365), score and interpret your results. Be prepared to discuss and present, generally, the organizational consequences of the behaviors you have identified in the leader you have selected to evaluate.

Court Performance and Leadership: Recall our discussion during the September seminar regarding the connection between leadership and organizational performance. We discussed a technique for assessing court performance that has been developed by the National Center for State Courts. CourtTools is a collection of 10 performance measurements cutting across all aspects of court activity. It is a useful means of beginning the process of assessing the status and progress of a court toward reaching various goals. It draws from successful private and public performance measurement systems. It is worthwhile to acquaint yourselves with them as you consider the relationship between leadership, organizational change and performance.

http://www.ncsconline.org/D_Research/CourTools/tcmp_courttools.htm

Balanced Scorecard: Related to assessing court performance is the Balanced Scorecard approach that San Diego Superior Court experimented with several years ago. You have been provided a template for your consideration, discussion, and use during a October seminar exercise.

It is axiomatic that good leadership should lead to good performance, but what of the case of bad leadership? Is there an ethical or moral dimension to good leadership, good leaders, and good performance? We explore these themes through readings and two online lectures. The following links will take you to two interesting and useful lectures. The first is by Barbara Kellerman (she authored one of the assigned readings) and the second is by Carly Fiorina - former CEO of HP-Compaq. Each in their own way deal with leadership issues - Kellerman addresses bad leadership and why it matters. Fiorina shares lessons in leadership learned in her career. Each lecture, including Q & A, are about an hour in length. Please be prepared to discuss them.

<http://www.commonwealthclub.org/archive/05/05-01kellerman-speech.html>

http://fora.tv/2006/10/19/Carly_Fiorina

Study the California population profile prepared by the Public Policy Institute of California previously distributed to you.

Class Assignment 1:

Study Case 13.3 (p 330) in Northouse – “Whose Hispanic Center Is It?” . Be prepared to present a class discussion of the five questions following this case study (p 332).

Class Assignment 2:

Dimensions of Culture Questionnaire (p 334) in Northouse. Take the abbreviated survey, score and interpret your results and compare them to the cross-cultural matrix on page 337. Be prepared to share your results and discuss how understanding different cultural perceptions of leadership might change leadership approaches in your court or workplace and how you would go about making those changes. There will be a group exercise in class in which one half of the class (panel one) will attempt to persuade the other half of the class (panel two) to adopt new ‘leadership’ approaches suggested by the collective results of your surveys. Assume and state all facts and theories necessary to support or contradict your conclusions – you may also wish to use Ostrom. For this assignment, please bring population information for your county similar to that presented by the Public Policy Institute of California.

SATURDAY, NOVEMBER 21: CULTURE AND ETHICS

Guest lecturer: Mr. José Octavio Guillén, Court Executive Officer, Sonoma Superior Court

The demographic shift in California during the last 30 years is reflected to a large degree in our court system. In this session we will explore leadership and culture through the lens of multiculturalism and through an analysis of organizational culture in American trial courts.

→ Assignment A or B due on Friday November 20th

Assignment A: In a 4 to 6 page paper, analyze your court or workplace culture using the theories and techniques presented in Trial Courts as Organizations and other relevant readings.

Assignment B: In a 4 to 6 page paper, discuss the need for cross-cultural communication and cross-cultural understanding in a court setting given the institutional purpose of courts. Describe what steps might be taken to enhance this understanding and given the particular organizational culture of courts, what leadership model might be best suited to accomplish that goal.

DECEMBER 2009: COURT INNOVATION, TECHNOLOGY AND LEADERSHIP

December 18 Guest Lecturers:

- Ms. Margie Borjon-Miller, Assistant Regional Director, Southern Regional Office, Administrative Office of the Courts
- Mr. Barry Lynch, Supervising Research Analyst, Office of Court Research, Executive Office Programs, Administrative Office of the Courts

Syllabus for December 18th and 19th and Guidelines for Final Paper

Final Paper:

Using the “Innovations in the Courts” publication distributed in the November seminar, select one initiative that your court or workplace has not implemented but would benefit from having.

Using all relevant theories, principles and knowledge gained in this course, e.g., leadership models, managerial purposes of public administration (efficiency, effectiveness, and responsiveness), intergovernmental relations, workforce development, managing organizational change, planned change of organizational culture, principles of policy analysis, cross-cultural communication, measuring organizational performance (e.g., balanced scorecard approach - FOCUS, CourTools Trial Court Performance Measures

http://www.ncsconline.org/D_Research/CourTools/tcmp_courttools.htm) and so forth, in a 5 to 8 page essay (it may longer but not shorter):

- Describe, discuss, and evaluate the reasons you would recommend this innovation (what problem or problems are you solving);
- Identify what organizational issues need to be addressed (e.g., leadership, culture, workforce, external relations etc); and
- Recommend a course of action likely to assure a successful implementation – relying upon the theories, principles and knowledge gained in this course.

December 19th Final Examination: 9:00 a.m. to noon on Saturday.

Readings: Trial Courts as Organizations (Ostrom, et al.) Chapters 5, 6 and 7.
Innovations in the Courts

Additional reading assignments will be posted to SacCT.