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 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 FY 2009-2010 and the upcoming leadership transition with the nomination of a new Chief Justice 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 the receptionist will direct you to our class (one of two conference rooms on that floor).

- Two meetings per month on a Friday and Saturday, each day having 6.5 hours of instruction time, is the equivalent of a standard fourteen week graduate seminar meeting weekly. We meet from 8:30 am – 4:30 pm, and we will take a one-hour lunch break and a short break each morning and afternoon. Class dates are:

<table>
<thead>
<tr>
<th>September 10 &amp; 11</th>
<th>Courts as Leadership Organizations</th>
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<tbody>
<tr>
<td>October 8 &amp; 9</td>
<td>Leadership and Judicial Branch Intergovernmental Relations; Leadership and Strategic Planning (Part 1)</td>
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<tr>
<td>November 5 &amp; 6</td>
<td>Leadership and Strategic Planning (Part 2) Culture, and Ethics</td>
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<tr>
<td>December 3 &amp; 4</td>
<td>Court Innovation, Technology and Leadership</td>
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- Students will have an opportunity to meet with guest lecturers including judicial branch leaders, judges, court executive officers, 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.

3. *Trial Courts as Organizations* (Ostrom, Hanson, Kleiman – 2007 hardcover)

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](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.).
**Grading Criteria:**

Paper due in Sept: 100 points  
Paper due in Oct: 100 points  
Paper due in Nov: 100 points  
Paper due in Dec: 100 points  
Final Exam: 100 points

Presentations  
(in class): 100 points

Class participation: 200 points  
(engagement in discussions, small group work, etc)

Total possible: 800 points

**SEMINAR SCHEDULE**

**SEPTEMBER 2010: 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 10-11th 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 10, 2010 in class.
Length: 5 to 7 pages
Typed: 12 point Times New Roman font
Cover Page: Course Title, Paper Title, Date, Your name, Stapled
You may email your paper to me in advance, but you must also turn in a hard copy at the beginning of class on Friday.

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/jc/documents/reports/012110item3.pdf

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OCTOBER SEMINARS: LEADERSHIP AND JUDICIAL BRANCH INTERGOVERNMENTAL RELATIONS; LEADERSHIP AND STRATEGIC PLANNING (PART 1)
Guest lecturer: On Friday, October 8, 2010, 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: 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).

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.

Read Proposition 220 (court unification)
Court unification was on the ballot in the1998 General Election – please read the ballot arguments and statements:
http://primary98.sos.ca.gov/VoterGuide/Propositions/220.htm

Read the 1926 Constitutional Amendment that created the Judicial Council
The state ballot proposition establishing the Judicial Council in the 1926 General Election can be found at: http://traynor.uchastings.edu/ballot_pdf/1926g.pdf The ballot argument for the proposed constitutional amendment to create the Judicial Council starts on p. 33; the text of the amendment is at pp. 69-70 in the pdf. (Notice the many other subjects that are on the ballot: oleomargarine, judges retirement, prohibition, redistricting, bibles in school . . . it's all there!)

Read Judicial Review of Ballot Initiatives: The Changing Role of State and Federal Courts
by Craig B. Holman, Ph.D. and Robert Stern
Center for Governmental Studies


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](http://www.youtube.com/watch?v=1fVbuqvK18c)

→ **Assignment due on Friday October 8th**

Based on making solid connections to the readings above and the Professor Kramer’s lecture, write a 5-7 page paper about the role of intergovernmental relations and leadership in the judicial branch.

Everyone will write on the same topic this time: Prop. 140. How did the court’s decision affect the issues of intergovernmental relations and the respective roles and relationship between the legislative and judicial branches? Please address issues of separation of powers (and the limits thereon) in your paper.

Be sure to think about the leadership issues that followed the Prop 140 decision. Feel free to do additional research about the political/interbranch fallout that followed the court’s decision.

**Assignments:** Prepare at least 2 questions (each) for Mr. Liebert and Ms. Hershkowitz related to leadership, legislative and budget advocacy, and intergovernmental relations and submit them to me by email no later than September 27th.

**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 9: INTERGOVERNMENTAL RELATIONS (CONT.) AND STRATEGIC PLANNING (PART 1)**

**Guest lecturer:** On Saturday October 9, 2010, 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.

**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 2010-10. 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?
FRIDAY, NOVEMBER 5: LEADERSHIP AND STRATEGIC PLANNING

Guest lecturer: Mr. Alan Carlson, Court Executive Officer, Superior Court of Orange County (invited) to discuss the purpose of strategic planning, why strategic planning matters, and how it can be used in difficult fiscal times.

Judge (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


Reading Assignments for November 5th:
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 6th:

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

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 and current candidate for the U.S. Senate. 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 in the private sector. 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

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 6: 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 6th

Assignment A: In a 5-7 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: Write a 5-7 page SWOT (or SWOC) analysis of an actual Superior Court's strategic plan. Follow the model in the Bryson text. Attach both the strategic plan you are analyzing and the table in which you list the SWOT (or SWOC).

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DECEMBER 2010: COURT PERFORMANCE (CONT.), INNOVATION, TECHNOLOGY AND LEADERSHIP

FRIDAY, DECEMBER 3: COURT INNOVATION, TECHNOLOGY AND LEADERSHIP

December Guest Lecturers: Ms. Amy Nuñez, Supervising Research Analyst, Center for Families, Children, and the Courts, AOC, will discuss Juvenile Court Performance Measures.

SATURDAY, DECEMBER 4: INNOVATION, TECHNOLOGY AND LEADERSHIP

Guest Lecturers: TBD

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.