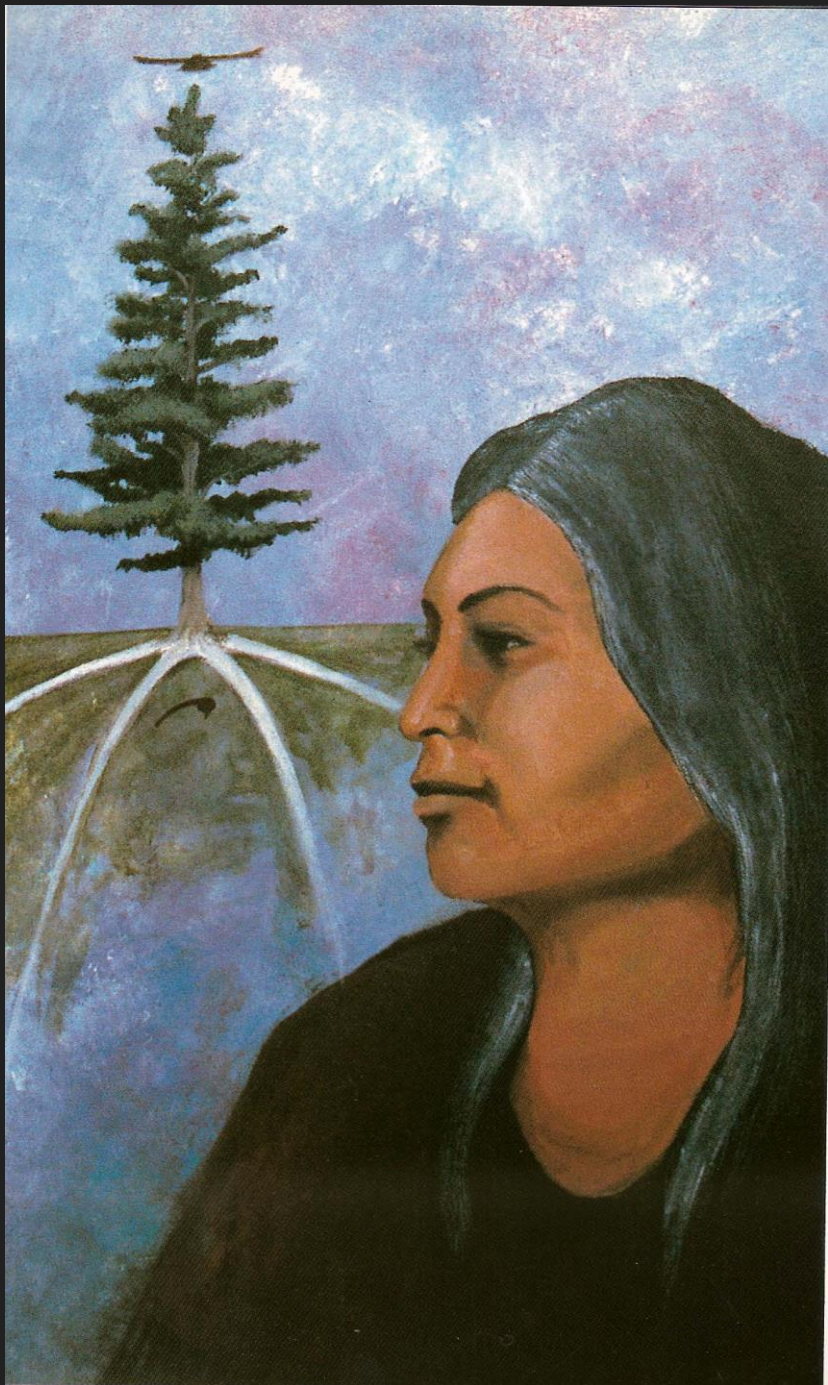


# Judicial Leadership

Carrie E. Garrow, Chief Judge  
Saint Regis Mohawk Tribal Court

2018 Healing to Wellness Enhancement Training





## Jikonsahseh, Mother of Nations

Skywoman, Legends of the Iroquois by Joanne  
Shenandoah and Douglas M. George, Illustrated by  
John Fadden & David Fadden

# Mother of Nations' Leadership Traits

- Powerful
- Feared
- Respect
- Smart/strategic
- Active
- Listened
- Learned something new
- Shared new thinking
- Consistent
- Informed

# Important Judicial Skills – Best Practices

# Professional Training – Learns new skills

- What kind of training?
  - What ever you need – but especially evidence-based practices in substance abuse, mental health treatment, and community supervision
- Set the example for your team

# Length of Term – Consistent

- At least two consecutive years
  - Greater cost savings and significantly lower recidivism
  - Evidence suggests that Drug Court judges are significantly less effective at reducing crime during their first year than during ensuing years
- Know your policies and procedures



# Consistent Docket

- Participants benefit from having the same judge
- Courts that rotate judicial assignments or require participants to appear before alternative judges had the poorest outcomes
- Structure is important to change participants maladaptive behaviors

# Participation in Pre-Court Staff Meetings - Active

- Outcomes significantly better - regularly attend pre-court staff meetings
- Judge ensures that each team member's perspective is taken into consideration
- Studies suggest that when judges do not attend – less likely to be adequately informed or prepared when interact with participants



# Frequency of Status Hearings – Active/Listens

- No less than every two weeks during first phase – significantly better outcomes
- Structure
- Accountability
- Opportunity for praise

# Length of Court Interactions- Active/Listens

- At least three minutes and as much as seven minutes
- Gauge participant's performance in program
- Discuss importance of compliance with treatment
- Communicate participant's efforts are recognized and valued

# Judicial Demeanor Influential Factor for Success

- Better outcomes for judges who were perceived to be

- Respectful

- Fair

- Attentive

- Enthusiastic

- Consistent

- Caring

- Supportive comments

- Outcomes poorer for judges who were perceived to be

- Arbitrary

- Jumping to conclusion

- Did not give participants an opportunity to explain their side

- Comments were stigmatizing, hostile, or shaming

# Judicial Decision Making – Listen/learn/active

- Due process and judicial ethics require independent discretion – but judges are allowed to consider probative evidence or relevant information
- Need your team of experts
- Make an informed decision

# Top Down Leadership – It Ain't All That

- Cynicism about 'new program'
- Difference between compliance and commitment
  - A value is only a value if it is voluntarily chosen
  - You want new behaviors for the right reasons
  - Top down leadership evokes compliance, not commitment
- It can backfire and move you backwards
  - Increasing fear and distrust

# Three Essential Types of Leaders

- Local line leaders – actually do the experimenting or change
- Executive leaders – provide support for line leaders, develop learning infrastructures, and lead by example
- Internal networkers or community builders – Seed carriers who move freely to find those predisposed to change, help out with change, aid in spreading the word



# Local Line Leaders

- Team members
- Play a key role in design and implementation
- Become teachers
- Knowledge and practical experience gives them unique credibility
- They are role models with which other front-line people identify
- No better way to learn than teach – deepens their own understanding and credibility
- Skepticism can be a good thing

# Executive/Admin Leaders

- Protectors/Mentors/Thinking partners
- Connects team members with like-minded people
- Mentors team members to understand political crosscurrents and to communicate ideas
- Understands learning and change is not based on a singular decision
- Lead as teachers, stewards, and designers and fulfills more subtle and long term roles

# Internal Networkers/Community Builders

- No formal delegation of power
- Internal networkers free to move about unnoticed, receives honest responses
- Authority comes because of their convictions and clarity of ideas
- Able to move around freely, understand informal networks
- Work on different levels

# Homework

- Use your stories to define leadership – work on those skills
- Identify your local line leaders, other executive leaders and internal networkers – make sure they are part of your Healing to Wellness Court strategy