Leadership and Management Training in the North Carolina Judicial System: An Examination of Identified Need

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Abstract

The purpose of this paper is to ask whether North Carolina public service lawyers and judges believe that their judicial districts perform with maximum efficiency or whether there could be functional improvement with leadership and management training for system leaders, and with the perceived need of such training, as articulated by these professionals, what a general training model might look like. A brief examination of the institutionally provided leadership and management training offered to system leaders shows sparse resources are expended to develop leaders and train them so that they have the skills to direct individual organizations and change the legal, institutional culture that exists in this justice system. Research shows that leadership and management training of justice system personnel would allow them to be adaptive to the needs of society and better able to effectively, efficiently use scarce resources allocated to the system by the North Carolina Legislature.

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Introduction

In nearly every endeavor in our society, whether it involves sports teams, politics, business, or national security, we often hear about the valuable role that strong leadership plays in an organization. In these fields of endeavor, we also hear of the “failure of leadership” when things go wrong and someone must be held accountable or when there are publicly exposed deficiencies that must be addressed.

Leadership matters to organizations but is often seen as the “blackbox.” Leadership has been seen as the critical element to success in any organization. Leadership is possibly one of the most researched social phenomena in all of the social sciences. The study of leadership within the context of public organizations has struggled with tackling the topic of leadership directly, often favoring a more narrow focus on managing public entities and “the process of developing usable, accessible knowledge about this challenge has focused too exclusively on what must be managed and the evaluation of programs (bail reform, caseflow management, delay reduction, sentencing guidelines, alternative dispute resolution mechanisms) that have been devised to cope with the status quo. A neglected step [has been the] study of judicial excellence.” When one examines leadership within the judicial arena, this lack of empirical research continues. Precisely stated: “[t]here isn’t any empirical research on judicial leadership.” The paucity of research, especially of an empirical nature, on this issue “…is due to its costs, lack of agreement on research variables, what constitutes leadership and management, and who should be surveyed, are only some examples of the

4 Interview of Dr. Maureen E. Connor, Associate Professor and Director, Judicial Administration Program, Michigan State University, conducted on July 11, 2013 and March 10, 2014.
challenge.”⁵,⁶ Many studies recognize the importance of leadership in public organizations research and practice, yet scholars continue to acknowledge the continuing tensions and challenges associated with understanding, theoretically and empirically, public leadership.⁷,⁸

Research involves choices. Our choices to date have ignored systematic study of a highly relevant unit of analysis: the characteristics of successful trial court leaders and leadership teams and organizational arrangements that breed effective leaders. As a result we fail to study, much less understand, the most basic aspects of effective judicial administration and, perhaps more important, successful judicial reform.⁹

It is recognized that sustained, cultural changes in the institution of the courts cannot be thoroughly considered without a study of leadership. “Leadership is the frequently neglected factor in guiding judicial administration. It has been viewed as a gift of personality or natural aptitude. The mystique of leadership can be dispelled and replaced by training… . Without leadership skills, the judicial leaders of today’s courts are not likely to weather the forces that threaten their quality and independence.”¹⁰ Judicial independence is often characterized as one

⁶ Interviews of Dr. Maureen E. Connor, Associate Professor and Director, Judicial Administration Program, Michigan State University, conducted on July 11, 2013 and March 10, 2014.
of the most critical components of the American judicial system. “An independent judiciary is one of the foundations of American democracy. However, both state and federal judges are, with ever-increasing frequency, complaining about threats and compromises to [system] independence.”\textsuperscript{11} Acknowledging that effective and efficient judicial administration is central to judicial independence, all justice system leaders, and in particular, “[j]udges must recognize that an essential ingredient of an independent judiciary is leadership.”\textsuperscript{12} Judicial independence, however, cannot be used “as an excuse for failure to manage” a district in an effective and efficient manner.\textsuperscript{13}

This paper shows that the public service lawyers and judges of the North Carolina justice system believe that a focused programmatic emphasis on leadership and management training may allow its personnel to more effectively meet its state Constitutional obligations to our citizens by allowing the justice system to move forward and better serve the needs of our society in an environment of diminished resources and deficiencies perceived by the public. Justice system leaders perceive that leadership and management training may positively impact efficiency and effectiveness in their individual judicial districts and in so doing could help ameliorate publically perceived deficiencies of delay and lost productivity in the courts of North Carolina.

The three basic research questions explored in this study were developed based on a set of theoretical propositions. The first research question was: \textit{do public service lawyers and judges believe that leadership and management training skills are valuable in promoting efficiency and effectiveness in the judicial system?} The propositions driving research question one are that: (a) public service lawyers and judges affirmatively believe leadership and management training are valuable, and that (b) public service lawyers and judges affirmatively believe leadership and management training will promote efficiency and effectiveness in

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\item \textsuperscript{12} Id. at 2.
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the North Carolina Judicial System. The second research question was: *do public service lawyers and judges receive formalized leadership and management training?* If so, *what training do they believe is received?* The propositions driving research question two are that: (a) public service lawyers and judges have received limited formal leadership training in the North Carolina Judicial System, and that (b) public service lawyers and judges have received limited formal management training in the North Carolina Judicial System. The third research question was: *what leadership and management training is desired by public service lawyers and judges in North Carolina?* The proposition driving research question three supposed that even though there is a systemic deficiency in leadership and management training for public service lawyers and judges in the North Carolina Judicial System, they have ideas of what desired training should comprise.

Both private and public sector organizational entities have characteristics that require a tailored, contextual approach to leadership and management training so that the unique natures of the organization can be contemplated. Since the unified courts of North Carolina have aspects of “supervisor to subordinate” relationships and “peer-to-peer” relationships a contextual approach to the subject has been employed and is described in a brief background to this paper. While elaborate descriptions and definitions of the concepts of management and leadership terms are found in various types of literature, a simple definition of each has been used in this research. Respondents to the survey supporting the findings contained in this paper were asked to answer a variety of questions about these subjects assuming that the term “leadership is about coping with change. Leaders establish direction by developing a vision of the future; then they align people by communicating this vision and inspiring them to overcome hurdles.”

Some of the specific leadership training skills that survey participants were asked about included: discovering and applying your leadership style, developing flexible/appropriate leadership styles, developing teamwork among employees, implementing organizational change, influence without authority (dealing effectively with peers), diversity as a workplace issue, establishing a vision,

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14 North Carolina Judicial District Leadership and Management Survey Questions, See Appendix A.
developing a positive culture, creating collaborative working relationships and communication. This is certainly not an exhaustive list of leadership training skills, but these are generally included in some form as part of many leadership training regimes. Respondents to the survey supporting the findings contained in this paper were asked to answer a variety of questions about these subjects assuming that the term “management brings order and consistency by drawing up formal plans, designing organizational structures, and monitoring results against the plans.” The concepts of leadership and management, although separate and distinctly unique, are inextricably related and will be linked for the purposes of this study.

Literature Review

This review is not intended to be a comprehensive summary of the immense amount of research on the topic, rather it highlights relevant findings and key themes relevant to the courts (for a more complete review of the literature regarding theoretical leadership approaches, see Northouse, Peter G., Leadership: Theory and Practice. Sage Publications (6th Edition, 2013). The topic of leadership lends itself to no shortage of questions and research needs. One critical question that has been at the forefront of public administration research is the difference in leadership across sectors (the public/private debate), how leadership operates at different levels of administrative hierarchies, and how leadership should and does operate in collaborative settings. The calls for more leadership focused on the public sector are substantial, still the research within the

15 North Carolina Judicial District Leadership and Management Survey Questions, See Appendix A.
16 North Carolina Judicial District Leadership and Management Survey Questions, See Appendix A.
public setting has often focused on the executive branch or the bureaucracy associated with it. An understanding of the importance of leadership within the judicial system is a need in its own right and must receive attention. Judicial leadership at the trial level is important because it is action that leads to organizational accomplishment since “[e]ffective leadership—administrative skill, management continuity, and non-case related decision-making-expertise produces justice, and therefore, stability, and order in the larger political and social system.”

Research on judicial actors has often focused on legal process and skill building not broader management or leadership competencies or skills. Focusing on judicial leadership at the trial court level would allow for an assessment and evaluation of organizational accomplishment at two critical levels, those being: organizational performance as well as the leadership skills, contributions, and impact individuals can have within that system. Scholars have recognized the need and called for additional research that moves away from legal skill development to examining how judicial actors can steward and protect the judicial branch to include how these actors can maintain their judicial independence.

In an article titled: Judicial Leadership Excellence, Geoff Gallas, former Director of Research and Special Services of the National Center for State Courts notes:

There is no question that we must enter a substantive and methodological thicket to advance the theory and practice of judicial leadership. One experienced traveler into this territory, Robert Quinn, warily warned that leadership research is the "La Brea tar pit of the social sciences" because organizational success demands leaders who can maintain effective routines while they simultaneously question and disrupt them. Following Simon

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(1947) and March and Simon (1958), James Thompson (1967) summarized the realities this way:

... the central characteristic of the administrative process ...[is the] search for flexibility. Yet our theme ... has been ...reduction of uncertainty and its conversion into relative certainty. How do we meet this apparent paradox?²⁴

There is a long and well documented research tradition when it comes to understanding elements of organizational management and effectiveness, including questions related to structure, work design, decision making, and management.²⁵ The difference in management and leadership is that the former is focused on making a decision while the latter is focused on making the right decision.²⁶ Exploring the potential impact that leadership and management training can have on the justice system is important to how system leaders implement change and influence the effectiveness and efficiency of the courts. In this regard, calls for research into what types of leadership problems exist for courts include attempts to convince judicial actors that leadership issues must be addressed through training and pushes for acknowledgment that professional development skills can be improved through leadership skills development.²⁷

“The broad consensus of knowledgeable court analysts has been that the effectiveness and efficiency of the judicial system have continued to deteriorate, and nearly all efforts to improve the courts have either been thwarted or at best short-lived.”²⁸ With this, there has been a long-term question about how to reform the courts in order to improve the effectiveness and efficiency of court personnel. Associated with this important question and the efforts that have been undermined,

it is acknowledged that it is difficult to reform the courts for various reasons
including: the adversarial nature of the legal system which causes it to be highly
fragmented, the inherent conservatism of the judicial system and historical
resistance to change, the isolation from public scrutiny leading to a lack of critical
self-examination, and the overpowering complexity of problems facing the trial
courts are often seen as the most significant obstacles to reform.\textsuperscript{29} To reform the
courts so that they can operate with optimal effectiveness and efficiency, judicial
system leader buy-in for leadership skills development and training is essential.
“All of the literature surveyed has consistently emphasized that without effective
local-level leadership, especially from the judiciary, viable innovation and reform
is impossible. …Leadership is an extremely easy solution to whatever problems
are ailing an organization…[and] can mask such issues as inappropriate structural
arrangements, power distributions that block effective actions, lack of resources,
archaic procedures and other more basic organizational problems.”\textsuperscript{30} The
problems identified by Professor Paul Wice as obstacles to reform in the broad
subject of judicial administration are those which were also identified and partially
composed the query in this study. To find ways to reform the courts and cause
them to strive for optimal effectiveness and efficiency, “[w]e must “find” the
future. Successful organizations—including court organizations, who have an
especially difficult task of transcending a traditional culture that favors precedence
over innovation and future consequences—must jump ahead of the curve,
anticipate the future, and set directions into unfamiliar territory.”\textsuperscript{31} Leadership
training in the courts and the related subject of management training are
“unfamiliar territory” which must be explored because, as various scholars suggest,
“[l]eadership, or lack thereof, increasingly will define organizational success or
failure.”\textsuperscript{32}

In studying how leadership and management skills training could impact the
justice system, “[j]udicial administration researchers must aim at learning not only

\textsuperscript{29} \textit{Id.} at 310-311.
\textsuperscript{30} \textit{Id.} at 312.
\textsuperscript{31} Ingo Keilitz, “The Development of Tomorrow’s Leaders in Judicial
Administration,” \textit{The Justice System Journal}, Volume 17, Number 3 (1995): 324,
citing Richard A. Posner.
\textsuperscript{32} \textit{Id.} at 323.
what is; we must also attempt to ascertain what can and should be done about it.”

The research contained in this paper fills a critical theoretical void in the literature in examining the perceived relevance of leadership for the judicial system across types of positions and levels within the judicial system. Professors Ingraham, Sowa, and Moynihan note that “[t]he simple fact that leadership is frequently referenced as crucial to performance lends credence to our argument that a better understanding of leadership is the next step in developing a more complete and nuanced understanding of management and performance in public organizations.” They have found that “[l]esson 1: In government, no one leader can move a mountain. There must be leadership at several levels of the organization to create capacity and to achieve results.” This lesson is consistent with the premise of this paper and why leadership and management training for public service judges and lawyers was investigated.

North Carolina Judicial System Background

“To protect and preserve the rights and liberties of all the people, as guaranteed by the Constitutions and laws of the United States and North Carolina, by providing a fair, independent, and accessible forum for the just, timely, and economical resolution of their legal affairs.”

This is the mission statement of the North Carolina Judicial System and is published in various materials disseminated by the North Carolina Administrative Office of the Courts (herein referred to as AOC). Like most large organizations, the published mission statement defines, in a specific and concise manner, who the entity will serve and what objectives the entity will strive to meet. The AOC mission statement is displayed prominently throughout the AOC website, including in the New Employee Orientation. New

35 Id. at 152-170.
employees of our justice system use this virtual guide of the organization to become quickly familiar with the AOC and its mission objectives. The New Employee Orientation describes, in general form, what an employee in the justice system can expect across a wide range of activities, including: a brief outline of the justice system and its participants, the organization’s policies, and employee benefits. Among the benefits described in the New Employee Orientation, are references to “employee development and training”\(^\text{37}\) and “training and professional development.”\(^\text{38}\) Delving more closely into what “employee development and training” means, one quickly determines that this relates almost exclusively to the self-development training of the individual employee. The AOC, in conjunction with the Superior Court Judges’ Conference, the Conference of District Court Judges, the Conference of District Attorneys, the Conference of Clerks of Superior Court, and the University of North Carolina School of Government educates judges, attorneys, and clerks about various aspects of the law and procedure so that each of them can individually do their best job in the position they hold. Under the funding constraints within which this state finds itself, a remarkable job is done to teach system personnel how to better do their jobs on a day-to-day basis. Limited institutional effort is expended to develop leaders and to train them so that they have the skills to lead individual organizations and to change the legal, institutional culture that exists in this state so that the justice system can be more adaptive to the needs of society and better able to more effectively and efficiently use the scarce resources allocated by the North Carolina Legislature.

To consider this more closely, and in context, it is appropriate to juxtapose the allocated resources of the North Carolina Justice System against the output that is produced by the employees of the system. Those familiar with various state courts understand that the Judicial Branch of government of the jurisdictions of the United States is co-equal with the Legislative and Executive branches of government. This is true in North Carolina as well. For more than four decades the judicial system has been woefully underfunded, receiving less than three

\(^{37}\) Id. at 59.

percent (3%) of the state’s annual budget. The resources allocated to the Judicial Branch of government for the upcoming fiscal year continue to paint a consistently dismal picture. With an appropriation of $456.9 million of the $20.2 billion dollar budget for the state, the level of funding for the court system will again be just over two percent (2%) of the total annual budget. Ninety-two percent of the appropriated budget for the justice system for this fiscal year will be used to pay for the personnel costs. The remaining eight percent of the appropriated budget will be used for system operating expenses. Placing this in context, the reader should know that the courts of North Carolina are responsible for every type of

N.C. Administrative Office of the Courts, Fiscal Year 2002-2003 ($297.6 Million) 2.15% of Total State Budget
N.C. Administrative Office of the Courts, Fiscal Year 2003-2004 ($309.1 Million) 2.11% of Total State Budget
N.C. Administrative Office of the Courts, Fiscal Year 2004-2005 ($333.8 Million) 2.06% of Total State Budget
N.C. Administrative Office of the Courts, Fiscal Year 2005-2006 ($353.1 Million) 2.06% of Total State Budget
N.C. Administrative Office of the Courts, Fiscal Year 2006-2007 ($400.2 Million) 2.12% of Total State Budget
N.C. Administrative Office of the Courts, Fiscal Year 2007-2008 ($400.1 Million) 2.12% of Total State Budget
N.C. Administrative Office of the Courts, Fiscal Year 2008-2009 ($479.8 Million) 2.25% of Total State Budget
N.C. Administrative Office of the Courts, Fiscal Year 2009-2010 ($466.9 Million) 2.29% of Total State Budget
N.C. Administrative Office of the Courts, Fiscal Year 2010-2011 ($450.3 Million) 2.38% of Total State Budget
N.C. Administrative Office of the Courts, Fiscal Year 2011-2012 ($438.9 Million) 2.23% of Total State Budget
N.C. Administrative Office of the Courts, Fiscal Year 2012-2013 ($432.8 Million) 2.14% of Total State Budget
criminal case such as first degree capital murder to minor traffic violations. The courts, being a general jurisdiction system, also handle all types of civil matters from multi-million dollar medical malpractice cases down to summary ejectment complaints and everything in between. For the last decade, our courts have disposed of approximately three million (3 million) cases annually with a disposition last year of three and one-half million cases (3,507,497). \textsuperscript{42} Six thousand forty-four (6,044) employees work in the Judicial Branch of government for the State of North Carolina to accomplish this task. \textsuperscript{43}

For readers who are also unfamiliar with the distinctions of the authorities associated with each participant population group of the North Carolina courts, a brief overview of each is appropriate. The North Carolina justice system is a two-tiered appellate system and a two-tiered trial level system. It is important to note that this paper has not included any of the appellate level judges in the data collection or analysis for this study even though those levels of court are instrumental to the disposition of cases in this system. Personnel who hold a magistrate judge position at the entry point of the District Court trial level were also not asked to participate in this study even though they also play a valuable role in our system resolving many types of cases. The exclusion of these system participants from this analysis was deliberate because this study focused on individual system leaders across the state who resolve criminal cases. This demarcation line was drawn to exclude criminal magistrates since they do not resolve cases. Magistrates who consider civil cases also do not fit the focus of the study. Elected/Appointed Clerks of Superior Court were also excluded from the data collection and analysis even though they also play a very valuable role in our justice system. While they do resolve certain types of civil cases (such as probate and foreclosure matters), and have significant personnel supervision responsibilities and associated leadership and management obligations within each of the system’s judicial districts, they do not dispose of a criminal caseload. The object of the analysis for this paper was to focus on entities that had responsibilities to resolve large volumes of criminal cases. Therefore, the


participant groups asked to respond to the survey were the trial level judges of the Superior Court and District Court, the Elected District Attorneys, and the Chief Public Defenders. It should be recognized that there are three types of Superior Court Judges, including the Senior Resident, Resident, and Special Superior Court Judges. While each has the same case disposition authorities, Senior Resident Superior Court Judges have significant district administrative obligations. Among those administrative responsibilities, Senior Resident Superior Court Judges set the case management policies for criminal and civil cases in the district, establish a scheme for setting pre-trial release conditions of criminal defendants, hire Magistrates, manage the staff personnel of the Trial Court Administrator’s Office and several of the “specialty” courts, handle prisoner correspondence known as “jail mail” including filings characterized as Motions for Appropriate Relief, to name a few. To a lesser extent, Resident Superior Court Judges may have district administrative obligations as assigned to them by the Senior Resident Superior Court Judge. Special Superior Court Judges generally have no district administrative responsibilities since they are not associated with a particular judicial district and are assigned to hold court across the entire state for short durations. The exception to this paradigm relates to the three Special Superior Court Judges that serve in the highly specialized field of business litigation. The three “Business Court” Judges handle complex litigation and have their cases assigned to them by the Chief Justice of the North Carolina Supreme Court. Accordingly, these three Special Superior Court Judges have significant administrative obligations attendant to resolving this case load. It should also be noted that Emergency and Recalled Superior Court Judges have been excluded from this data since they are not in continuous active service and because their number fluctuates significantly depending on their willingness to serve in that limited role.44 It should also be recognized that there are two types of District

44 Superior Court Judges have jurisdiction over all felony criminal cases, civil cases involving more than $25,000, and misdemeanor and infraction appeals from District Court are tried in Superior Court. A jury of 12 hears the criminal cases. In the civil cases, juries are often waived. Superior Court is divided into eight divisions and 46 districts across the state. Every six months, Superior Court judges rotate among the districts within their division. The rotation system helps avoid favoritism that might result from having a permanent judge in one district. The
Court Judges, one of whom is the Chief District Court Judge of the district. While each has the same case disposition authorities, Chief District Court Judges have significant district administrative obligations. Some of these administrative obligations include: supervision of the Magistrates, setting the court schedules for the other District Court Judges, developing policies regarding pretrial release conditions, and related criminal justice matters. To a lesser extent, other District Court Judges may have administrative obligations as the Chief District Court Judge assigns these to them. Otherwise these judges have no specific district administrative responsibilities (Emergency District Court Judges were not asked to participate in the survey and have been excluded from data collection). Elected District Attorneys have significant district administrative obligations since they prosecute all criminal actions brought in the jurisdiction and manage administrative staffs and Assistant District Attorneys to accomplish this task.

The leadership of the AOC, through the vision of the various Chief Justices of the North Carolina Supreme Court and the Directors of the AOC over the last decade, has sought to make advances in efficiency by investing a significant portion of funding in infrastructure changes and technology. The primary infrastructure changes have come in the form of modernization and “virtualization” of the courthouses in all one hundred (100) counties. It has also come in the form of modernization of various data collection, record generation/record keeping and communications systems. Most of these system improvements have been acted upon because of the recommendations the Legislature and leadership in the AOC


District Court Judges have jurisdiction over civil cases such as divorce, custody, child support and cases involving less than $25,000 are heard in District Court, along with criminal cases involving misdemeanors and infractions. The trial of a criminal case in District Court is always without a jury. The District Court also hears juvenile cases involving children under the age of 16 who are delinquent and children under the age of 18 who are undisciplined, dependent, neglected or abused. The N.C. Administrative Office of the Courts Website, http://www.nccourts.org/Courts (accessed March 23, 2014).

Speech to North Carolina Bar Association Leadership Institute, made by Administrative Office of the Courts Director John W. Smith, View from the Courts, January 21, 2011.
have received from various working groups associated with the more than five
hundred (500) independently elected officials of the justice system. The argument
can be made that the primary focus of this effort has been on “merely keeping up”
with the general technology advances of our society so that system personnel can
at least marginally meet the justice needs of this state and its citizens. It is
generally understood that there are no excess resources available to employ the
“nice to have” programming such as leader development and training.

As described earlier, this project aims to analyze a set of crucial issues
related to leadership and management training and the administration of the
judicial system within North Carolina as reflected in the beliefs of justice system
professionals. Three broad questions drove the research for this project:

1. Do public service lawyers and judges believe that leadership and
   management training skills are valuable in promoting efficiency and
effectiveness in the judicial system?

2. Do public service lawyers and judges receive leadership and management
   training?

3. What leadership and management training is desired by public service
   lawyers and judges in North Carolina?

By answering these questions, this paper is offered to begin the dialogue for the
need for such training.

Methodology

The research of this study uses a survey methodology. Surveys allow for
broad data sets to be collected from a range of respondents who have a variety of
responsibilities (a copy of the survey questions is provided in Appendix A). In this
case, respondents to the survey, such as the Elected District Attorneys and Chief
Public Defenders, have significant direct supervisory obligations over their staff
personnel. They also have the authority to hire and fire their employees. Conversely, Superior Court Judges and District Court Judges have far less direct
supervisory responsibility and generally do not have staff personnel that they can
hire or fire unless that individual is the Senior Resident Superior Court Judge or
the Chief District Court Judge. While other methodologies were considered, the survey instrument used here allowed for easy data collection, provided for more internally consistent responses, and made the analysis of the data less complicated. The downside of this method of data collection is that it did not allow for an in-depth discussion of any question that was of interest to the individual survey participant. An interview methodology was considered. Such a data collection method allows for rich, in-depth responses to the questions posed, but because that device is limited in the number of respondents that could reasonably be included, it was not used. Also, an interview methodology was not used because of a concern that the interviewed subjects would have been made purely on the author’s selection, that the subjects might not be completely candid, that they might attempt to move the conversation in directions not related to the study, and that it would be difficult to quantify results in a readily usable form.

With this said, the survey form that was used here was based in an electronic format. It was determined that an electronic survey, which was anonymous and only collected demographic data, would encourage candid responses to the questions posed in the survey of this data collection. While this method of data collection limits the depth of responses that can be obtained, it allows for the opportunity of a much broader participant population. Coupled with the assurance of anonymity, the electronic survey seemed to be a viable data collection choice. To measure the attitudes of the public service lawyers and judges of the North Carolina justice system about leadership and management training the electronic online survey was sent to a total population of N=446 potential participants in office at the time. Of these, n=111 were currently serving Superior Court Judges (the author was excluded and not counted in the N=446), n=270 were currently serving District Court Judges, n=44 were currently serving Elected/Appointed District Attorneys, and n=21 were currently serving Chief Public Defenders and Indigent Defense Service Division Chiefs (Appellate Defender, Capital Defender, Juvenile Defender, Parent Representation Coordinator, and Special Counsel Supervising Attorney). The reason for using this population of participant groups was to provide context for the study since each has a variety of leadership and management obligations at the trial level of our court system. Many members of this population directly or indirectly supervise staff personnel of varying sizes and from different entities during each session of
court. These system leaders often have some of the same responsibilities when court is not in session. As earlier indicated, Judges of each of our appellate courts were excluded from the survey because their positions are highly specialized, and because their individual leadership and management responsibilities do not match well with the responsibilities of the trial level population. The possible exceptions to this are the Chief Justice of the North Carolina Supreme Court and the Chief Judge of the North Carolina Court of Appeals.

Any discussion of analyzing leadership and management training needs within any set of participants of the judicial system “cannot be made in the abstract…it must anchor in the principals and context of the court environment.”⁴⁷ In this instance the context considered relates to the day-to-day operations of the trial level courts. Because the Superior Court Judges and District Court Judges of all types are trial level judges within their respective jurisdictional limitations, the respondents in each of these categories could usually be linked for analytic purposes. The data for Superior Court Judges, regardless of whether that individual was assigned as a Senior Resident, Resident, or Special Superior Court Judge, was condensed for analysis unless separating that information yielded interesting results. This approach was also used for the District Court Judges and, in many instances, the data for this category of trial level judge was condensed for analytic purposes regardless of their position as Chief District Court Judge or District Court Judge unless separating it yielded interesting information.

Upon being sent the online survey, the potential participant population (N=446) was told of its purpose, its manner of use, and that the survey would be anonymous except for the collection of demographic data which was intended to aid in the analytic process. The potential participant population was initially given ten days to complete and submit responses. To maximize the response rate, the President of the North Carolina Conference of Superior Court Judges, the President of the North Carolina Conference of District Court Judges, the Executive Director of the Conference of District Attorneys, and the Executive Director of Indigent Defense Services each sent a message to the potential participants associated with

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⁴⁷ Telephone Interview with Dr. Maureen E. Conner, Associate Professor and Director, Judicial Administration Program, Michigan State University, conducted on July 11, 2013.
their respective organizations indicating that the survey was forthcoming and what it entailed. A reminder was also sent to each potential participant who had not responded and this was followed by an additional reminder by each of the system entity leaders described earlier. Of the potential total population of N=446, 209 respondents submitted a “completed survey” that was usable for analysis. A “completed survey” was defined as one that been submitted with enough demographic information to determine the position held by the respondent and that answered at least one of the three basic research questions. While a total of 239 surveys were attempted, 30 were determined to be unusable because the respondents did not complete at least one of the basic research questions and did not provide some level of demographic information (i.e. currently held position, years in current position, age, or gender). The overall response rate for the survey was 46.8%. As for the usable “completed surveys” it must be acknowledged that not all 209 respondents submitted a response to every question or subpart of a question. This will be seen during a discussion of the data. Of all participants, 164 completed and submitted a response to all of the questions posed.

Although the survey contained 36 questions and allowed for text written explanations to several of them, the questions boiled down to three basic areas of inquiry as described above. The first research question was: do public service lawyers and judges believe that leadership and management training skills are valuable in promoting efficiency and effectiveness in the judicial system? The propositions driving research question one were that: (a) public service lawyers and judges affirmatively believe leadership and management training are valuable, and that (b) public service lawyers and judges affirmatively believe leadership and management training will promote efficiency and effectiveness in the North Carolina Judicial System. The second research question was: do public service lawyers and judges receive formalized leadership and management training? If so, what training do they believe is received? The propositions driving research question two were that: (a) public service lawyers and judges have received limited formal leadership training in the North Carolina Judicial System, and that (b) public service lawyers and judges have received limited formal management training in the North Carolina Judicial System. The third research question was: what leadership and management training is desired by public service lawyers and judges in North Carolina? The proposition driving research question three
supposed that, even though there is a systemic deficiency in leadership and management training for public service lawyers and judges in the North Carolina Judicial System, they have ideas of what the desired training should comprise.

At first consideration, these basic questions seem innocuous enough and not designed to expose how any respondent might personally feel regarding his or her own deficiencies of perceived abilities to meet the challenges each individual faces on a daily basis. As the data show, there are significant differences and incongruities between what the responding subjects say is needed regarding such training and what the surveyed groups have formally received in such training. This void may be explained by recognizing that the data for this study is self-reported by the respondents. It may also be explained, to some degree, by the notion that measurement errors due to a respondent’s self-report of data can be biased due to a subject’s desire to respond in a “socially desirable” way because that is how they wish to be perceived. An attempt was made to control for this phenomenon by instructing the survey participants that their responses would be anonymous and that this would not be breached for any purpose. “Broadly conceived, ‘social desirability’ as a response determinant refers to the tendency of people to deny socially undesirable traits or qualities and to admit to socially desirable ones.”48 With this in mind, the “social desirability” effect can be divided into two components, those being: (1) trait desirability which has to do with how the respondent describes oneself to the interviewer or within the survey, and (2) the need for social approval, which “has to do with the relationship between the interviewer/survey giver and the respondent, and the respondent’s quest for social approval from the interviewer or survey giver.”49 In this case, the survey was sent out under the author’s moniker as a currently serving Superior Court Judge. Although it was made clear that the data collected would not expose the individual identity of the respondent, it still asked each participant to provide some demographic information to assist in the analysis. To the extent that this phenomenon exists, an accounting for the limitations and the effects of “social desirability” must be made in this study. It is also noted that, to make an informed

49 Id. at 921-40.
assessment on the findings from this survey, “the reader should be aware of...bias that arise[s] in all surveys that measure individual attitudes.”\textsuperscript{50} “[I]t is unclear the extent to which survey respondents are representative of all [category members] in their attitudes toward [formalized leadership and management training in the North Carolina justice system]. It is possible, for example, that those who responded to the survey may be more receptive than non-respondents to [such training], which may skew the findings in favor of [this training]. Note, however, that it is also possible that those keenly interested in the topic—both supportive and unsupportive—are more likely to self-select into the survey, a phenomenon particularly common in...surveys. If this were the case, the findings may be skewed not in favor of [such training] but rather in favor of extreme...views on the topic. In an attempt to alleviate biases that might arise from self-selection, the cover letter that accompanied the survey questionnaire made no reference to [particular leadership and management training techniques]...; it instead framed the topic more generally by asking [those choosing to respond] to participate in a survey about [this study of leadership and management training being an impetus for the implementation of formalized instruction of this type to system personnel].”\textsuperscript{51} In some measure, this may explain the chasm between the expressed abilities to cope with the leadership and management challenges that the respondents face in the justice system each day and the clear deficit in such formalized training as it is currently offered to system personnel.

The reader should understand that the subject survey collected qualitative and quantitative data and that each has been individually analyzed in order to draw various conclusions and to explore the propositions driving the research questions posed. In the instances where quantitative data was collected, descriptive statistics have been analyzed and in the instances where qualitative data was collected, theme or pattern development was used to analyze open-ended response questions.

\textbf{Findings and Discussion}

\textsuperscript{51} Id. at 55.
Respondent Demographics

Respondents are representative of each of the participant population groups surveyed. These groups include: Superior Court Judges, Elected District Attorneys, and Chief Public Defenders and Indigent Services Division Chiefs. In the North Carolina Judicial System there are 112 Superior Court Judges. For this analysis, the author was excluded from the survey and presentation of the results. Therefore, 111 Superior Court Judges were used as potential participants, 69 of whom submitted answers to the survey for a group response rate of 62%. There are 270 District Court Judges, 86 of whom submitted answers to the survey for a group response rate of 32%. There are 44 Elected District Attorneys, 39 of whom submitted answers to the survey for a group response rate of 89%. Finally, there are 21 Chief Public Defenders in this state, 14 of whom submitted answers to the survey for a group response rate of 67%. Recognizing that there are significant disparities in the raw numbers of potential group participants, there was an initial concern that one or more of the groups might be over represented in the sample that responded to the survey. As the reader can observe, 25% of the total number of public service lawyers and judges asked to participate (N=446) are Superior Court Judges. The Superior Court Judges had a response rate of 62% which constitutes a sample response rate of 33% and is therefore slightly higher than their representation among potential respondents to this survey. Sixty-one percent of public service lawyers and judges (N=446) are District Court Judges. The District Court Judges however had a response rate of 32%, but they constitute a sample response of 41% which is significantly lower than their representation among potential respondents to this survey. As the reader can observe, 10% of the total number of public service lawyers and judges are District Attorneys. The District Attorneys however had a robust response rate of 89% and yet only constitute a sample response of 19% which is significantly higher than their representation among potential respondents to this survey. A similar occurrence is reflected with the Chief Public Defenders who, as the reader can observe, comprise 5% of the total number of public service lawyers and judges in this system. The Chief Public Defenders had a respectable response rate of 67% and yet constitute a sample response of only 7%. Their response rate is significantly higher than their representation among potential respondents to this survey (see Table 1).
Table 1. Population characteristics

<table>
<thead>
<tr>
<th>Position*</th>
<th>Public Service Lawyers and Judges in NC</th>
<th>Percent of Population **</th>
<th>Responded</th>
<th>Response Rate*</th>
<th>Percent of Sample Responding*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superior Court Judges</td>
<td>111</td>
<td>25</td>
<td>69</td>
<td>62</td>
<td>33</td>
</tr>
<tr>
<td>District Court Judges</td>
<td>270</td>
<td>61</td>
<td>86</td>
<td>32</td>
<td>41</td>
</tr>
<tr>
<td>District Attorneys</td>
<td>44</td>
<td>10</td>
<td>39</td>
<td>89</td>
<td>19</td>
</tr>
<tr>
<td>Public Defenders</td>
<td>21</td>
<td>5</td>
<td>14</td>
<td>67</td>
<td>7</td>
</tr>
<tr>
<td>No Response</td>
<td>NA</td>
<td>NA</td>
<td>1</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>446</td>
<td>446</td>
<td>209</td>
<td>47</td>
<td></td>
</tr>
</tbody>
</table>

* In all tables and figures that follow position titles have been abbreviated as follows: Superior Court Judges=SCJ; District Court Judges=DCJ; District Attorneys=DA; Chief Public Defenders=PD.

**Percentages may not equal 100 due to rounding

Responses are highly reflective of District Attorneys and Chief Public Defenders. Without any assessment of the data, one might think that these two groups had exceptionally strong feelings, one way or another, about the survey subject and, accordingly prompted a robust response. Following an analysis of the data, it shows that the attitudes about the desirability for formalized leadership and management training are similar and affirmative.

With an understanding of the range of groups represented it is important to examine the characteristics of the actual respondents. The sample represents a relatively experienced set of public service lawyers and judges, see Table 2.
Table 2. Time in current position

<table>
<thead>
<tr>
<th>Years*</th>
<th>Percent**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 2</td>
<td>15.8</td>
</tr>
<tr>
<td>2.1 to 5.0</td>
<td>24.1</td>
</tr>
<tr>
<td>5.1 to 10</td>
<td>30.0</td>
</tr>
<tr>
<td>10.1 to 20.0</td>
<td>26.6</td>
</tr>
<tr>
<td>20.1 or greater</td>
<td>3.4</td>
</tr>
<tr>
<td>n=203</td>
<td></td>
</tr>
</tbody>
</table>

*Time in position was condensed into time period categories to simplify analysis

**Percentages may not equal 100 due to rounding

Responses for “years of service” were grouped into two-year increments. District Court Judges, Elected District Attorneys, and Chief Public Defenders in the job less than two years were likely just elected or appointed to the position they hold. The District Court Judges, Elected District Attorneys, and Chief Public Defenders who indicated that they had between 2.1 to 5 years were likely in their first term and facing an imminent election (or appointment for PDs) or had just started a second term. For those respondents who indicated that they were in the category of personnel who had served for 5.1 to 10 years, they were likely in mid-second term or mid-third term. The Superior Court Judges in this category were likely at the end of a first term or beginning of a second. Those who responded indicating 10.1 years or more represent personnel that had multiple re-appointments as a Public Defender, multiple elections as a District Court Judge or District Attorney, and at least two elections as a Superior Court Judge. The data coming from these different groups, because of their past election or appointment success, might suggest discernibly different views on leadership training. Generally, as to the three basic questions there was consensus among respondents of the groups. Looking more closely at Table 2 one sees that 60% of the respondent sample stated that they have more than five years of experience in their current job. Of this, 30% have ten years or more of service in their current role. A significant number of the

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52 District Court Judges and Elected District Attorneys serve 4-year terms; Superior Court Judges serve 8-year terms; Chief Public Defenders are appointed and serve 4-year terms and are subject to re-appointment.
respondents were fairly new to their jobs with 16% of them having only been in the position for two years or less. The high level of experience, expressed by the lion’s share of respondents, reflects a familiarity with this justice system and its constituent participants that give weight and substance to the responses submitted to the basic research questions. Simply stated, the participants in this survey have been working in the system long enough to know of what they speak, see Table 2. This is amplified by the data represented in Table 3. It indicates that of the 209 respondents who submitted an answer to the question regarding other positions held in the justice system, that 130 of them or 63% indicated that they had such experience. Most respondents (63%) had prior experience in the justice system running the gambit from being a District Attorney, Assistant District Attorney, Chief Public Defender, Assistant Public Defender or Clerk of Court. In the sample of the respondents that answered this question, judges comprise the most common group of respondents and account for 75% of the participants that submitted a survey response, see Table 3.

Table 3. Current position held

<table>
<thead>
<tr>
<th>Current position held</th>
<th>Percent*</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Judges</td>
<td>74.5</td>
</tr>
<tr>
<td>District Attorneys</td>
<td>18.8</td>
</tr>
<tr>
<td>Public Defenders</td>
<td>6.7</td>
</tr>
</tbody>
</table>

*Percentages may not equal 100 due to rounding

n=209

While the responding participants are overwhelmingly male (72%) for all categories combined, District Court Judges have proportionally more women represented (48%) than any other participant category, see Figure 1.
As seen in this data, 77% of those responding to the question are 46 years old or older, suggesting that these respondents likely have been lawyers for roughly 20 years or more, see Figure 2.
Although chronological age alone is not an adequate indicator of experience and understanding of the need for justice system personnel to have leadership and management training, common sense certainly suggests that lawyers with this level of experience have valuable insights into this system and its needs. This circumstance validates the basic propositions of the study and further confirms that the survey data is composed of long-term system participants who should know better than anyone whether the public service lawyers and judges of the North Carolina justice system should be offered formalized training of this nature.

Survey respondents also indicated how long they anticipated remaining as members of the justice system before departing due to retirement or other employment opportunity. This question was structured in a way to only ask about voluntary departures from the system. It was thought that voluntary departures from the system would relate to those reasons within the control of the participant and that this could potentially yield more reliable data. Since an involuntary departure from the system, such as losing an election has a completely different connotation, a concern was raised that this might yield less than candid data from a survey participant, so the question was structured to exclude this possibility. It must be acknowledged that North Carolina judges face mandatory retirement once they reach age 72 regardless of their length of service. While this is contemplated
by the question, the reality is that this affects a very small number of the sample respondents (fewer than 8.7% as shown in Figure 2). The significance of the data shown in this chart should not be dismissed and exposes the desperate need for leadership and management training for the public service lawyers and judges of our justice system. Looking closely at this data discloses that roughly one-third (31.9%) of the current leaders of the justice system will be leaving their positions within the next five years. Of those leaving the system within nine years or less, one sees an anticipated departure of system leaders of more than one-half (54%). This clearly demonstrates that, if the proposition of demonstrated need for leadership and management training is accepted as necessary, then there is no time to waste before we “grow our bench” to fill the positions left vacant by those who depart. Staples Hughes, the Appellate Defender of the North Carolina Courts System, succinctly and eloquently captures this idea when he related that “…the lack of management training in the justice system is in my view a huge issue… . I was a lawyer for twenty years and then I suddenly was a manager without any idea of what the hell I was doing, and without anyone even attempting to give me help in an organized way (until recently). I have friends who work in the private sector as managers in successful companies. They get leadership and management training on a regular basis. Successful companies don’t like to waste money, and there’s a reason they expend resources to train people on these skills. Same deal with folks I know who have been in the military.”\(^{53}\) Mr. Hughes captures the essence of the need for leadership and management training in this communication. He also punctuates the need to “grow the bench” of justice system personnel by providing the type of training discussed in this paper. This is further demonstrated in the data of Table 4, which shows that in the next five years, 32% of the public service lawyers and judges who participated in this survey will leave the system.

Within the next nine years, 54% of these leaders will be leaving the system. This means that there will be great turn-over in these critical leadership positions and emphasizes the immediate need for leadership and management training for those who might assume these jobs. With 20% of the Senior Resident Superior Court Judges and 25% of the Chief District Court Judges leaving the judicial system within the next two years or less, a significant dearth of leadership shall occur in key leadership positions. With increasing speed, the justice system becomes more complex in all of its aspects. This complexity compels a different way of thinking about how “the system” meets its justice delivery obligations to the people of North Carolina. Further complicating this predictable phenomenon is the reality that system personnel are living in an environment of significantly decreasing resources. As trite as it sounds, system personnel must find fundamentally sound ways to continue “to do more with less” and still meet obligations to those whom they serve.
Leadership and Management Challenges

Following an exploration of the demographic data as discussed above, questions were then asked which were designed to get a sense from the respondents as to how they see themselves and whether they believe they have the skills necessary to meet the leadership and management challenges that they face. The question used to set this discussion asked whether each, as an individual, “would describe [himself/herself] as a leader in [their] district?” 171 participants responded to this question as reflected in Table 5 which shows an 83% response rate of overall survey subjects chose to submit a response. The data clearly demonstrates that 145 of these respondents said that they “Agree” or “Strongly Agree” that they are leaders in their respective districts. The question was not designed to specifically discern whether the respondents believe that they are “leaders” in their district merely due to the position that they hold or whether they demonstrate leadership qualities due to their natural abilities or force of personality. For purposes of this analysis, it does not matter the rationale behind the response. The point to glean is that 85% (n=145 of n=171) of the respondents believe that they are leaders in their districts and function as such in the positions they currently occupy.

Table 5. Leader in my judicial district

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>SRSCJ</td>
<td>0.0</td>
<td>0.0</td>
<td>8.0</td>
<td>32.0</td>
<td>60.0</td>
</tr>
<tr>
<td>RSCJ</td>
<td>0.0</td>
<td>4.8</td>
<td>23.8</td>
<td>61.9</td>
<td>9.5</td>
</tr>
<tr>
<td>SSCJ</td>
<td>8.3</td>
<td>16.7</td>
<td>25.0</td>
<td>50.0</td>
<td>0.0</td>
</tr>
<tr>
<td>CDCJ</td>
<td>0.0</td>
<td>0.0</td>
<td>5.9</td>
<td>41.2</td>
<td>52.9</td>
</tr>
<tr>
<td>DCJ</td>
<td>0.0</td>
<td>6.0</td>
<td>10.0</td>
<td>70.0</td>
<td>14.0</td>
</tr>
<tr>
<td>DA</td>
<td>6.1</td>
<td>0.0</td>
<td>0.0</td>
<td>48.5</td>
<td>45.5</td>
</tr>
<tr>
<td>PD</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>58.3</td>
<td>41.7</td>
</tr>
<tr>
<td>Overall</td>
<td>1.8</td>
<td>3.5</td>
<td>9.9</td>
<td>53.8</td>
<td>31</td>
</tr>
</tbody>
</table>

Percentages may not equal 100 due to rounding
n=170
The next series of questions did not pre-suppose how potential respondents would answer whether they believed that they were a leader in their respective districts but did delve into what leadership challenges each faced, what additional skills they believed were necessary to meet these challenges, and whether they possessed the skills needed to respond to these challenges. The questions asking what “top three leadership challenges” the respondents face and what additional skills were needed to “better respond to the leadership challenges” they face, were “open-ended” and allowed the participants to provide descriptive responses. In the current austere resource environment, where the North Carolina Legislature funds the components of the Administrative Office of the Courts at less than 3% of the state’s annual budget, it is predictable that a substantial number of the challenges identified by the respondents related to a lack of funding for the courts. Closely associated with this phenomenon were responses that relate to structural issues and legislation. While these concerns are relevant to how personnel within the justice system make decisions and conduct operations, these responses have been discounted and not considered. The object of the question was to get a thoughtful consideration of issues that directly relate to leadership skills. Frankly, it is too easy to blame leadership challenges and failures to meet them on a lack of resources. Effectively utilized leadership skills will allow those, who learn them, how to operate and function in efficient ways even with limited resources. Given this explanation and exclusion of resource related identified leadership challenges, the responses that remained have been summarized into three categories. These categories, generally described, relate to a lack of: cooperation, coordination, and communication. Interestingly, when asked the “open-ended” question of “[w]hat additional skills, if any, do you believe you need to better respond to the leadership challenges you face?” the same themes relating to skills that were found lacking were identified. Broadly, these included: communication of vision, listening, trust and team building, and understanding the motivations of other system participants. Similar to the discounted leadership shortcomings of resource constraints and legislative/structural issues, there were numerous responses that related to political acumen and technology associated skills. These responses were also discounted, as those answers did not respond to the question. Not surprisingly, a majority of the 83% (n=142 of n=171) of respondents to this question indicated that they “agreed” or “strongly agreed” that they had “the leadership skills to respond to the challenges [they] face” in meeting their responsibilities. Also, not surprisingly,
25% of the Special Superior Court Judges indicated they do not see themselves as leaders in their judicial district. What is significant about this question is that 75% of the Special Superior Court Judges do see themselves as leaders in their judicial districts. This is puzzling since they are not tied to a particular judicial district and often travel from district to district around the state. As will be seen in this study, the leadership training that is provided to the categories of potential respondents to this survey is limited. Viewing Table 6 it is reasonable to assume that these respondents believe they have natural, charismatic, leadership skills to meet their daily challenges or that it shows “they don’t know what they don’t know” since the leadership training that is provided to them on an institutional basis is extremely limited. A graphic depiction of survey participant responses to this question has been used to further illustrate and emphasize how strongly these respondents believe they are leaders in the justice system and have the skills necessary to meet everyday challenges of the positions they hold regardless of the leadership training they have received, see Table 6 and Figure 3.

Table 6. Have skills needed to respond to leadership challenges

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>SRSCJ</td>
<td>4.0</td>
<td>0.0</td>
<td>12.0</td>
<td>48.0</td>
<td>36.0</td>
</tr>
<tr>
<td>RSCJ</td>
<td>0.0</td>
<td>5.0</td>
<td>15.0</td>
<td>45.0</td>
<td>35.0</td>
</tr>
<tr>
<td>SSCJ</td>
<td>0.0</td>
<td>0.0</td>
<td>16.7</td>
<td>66.7</td>
<td>16.7</td>
</tr>
<tr>
<td>CDCJ</td>
<td>0.0</td>
<td>0.0</td>
<td>23.5</td>
<td>70.6</td>
<td>5.9</td>
</tr>
<tr>
<td>DCJ</td>
<td>1.9</td>
<td>3.8</td>
<td>15.4</td>
<td>53.8</td>
<td>25.0</td>
</tr>
<tr>
<td>DA</td>
<td>0.0</td>
<td>0.0</td>
<td>12.1</td>
<td>42.4</td>
<td>45.5</td>
</tr>
<tr>
<td>PD</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>83.3</td>
<td>16.7</td>
</tr>
<tr>
<td>Total</td>
<td>1.2</td>
<td>1.8</td>
<td>14.0</td>
<td>54.4</td>
<td>28.7</td>
</tr>
</tbody>
</table>

Percentages may not equal 100 due to rounding
n=171
The next series of questions also did not pre-suppose how potential respondents would answer whether they believed that they had the management skills “needed to respond to the management challenges [they] face” in their respective districts. These questions were intended to delve into what management challenges each consistently deals with, what additional skills they believed were necessary to meet these challenges, and whether they possessed the skills needed to respond to these challenges. The questions asking what “top three management challenges” the respondents face and what additional skills were needed to “better respond to the management challenges” they face were “open-ended” and allowed the participants to provide descriptive responses. Predictably, many responses revolved around resource constraints due to a lack of funding for our courts. Once again, many responses associated with this phenomenon also related to structural issues and legislation. While these concerns are relevant to how personnel within
the justice system make decisions and conduct operations, these responses have been discounted and not considered. The object of the question was to get a thoughtful consideration of issues that directly relate to management skills. Given this explanation and exclusion of resource related identified management challenges, the responses that remained have been summarized into three categories. These categories, generally described, relate to a lack of: organization of priorities, time management, and matching the right employee to workload. Interestingly, when asked the “open-ended” question of “[w]hat additional skills, if any, do you believe you need to better respond to the management challenges you face?” the same themes relating to skills that were found lacking were identified. Broadly, these were distilled to directing the activities of subordinates and evaluating disposition output on a day-to-day basis. Chief among these concerns were communication of expectations and tracking results. Similar to the leadership shortcomings of resource constraints and legislative/structural issues, numerous responses were discounted in relation to management skills since these explanations, did not respond to the question. Not surprisingly, 77% (n=127 of n=165) of the respondents to this question indicated that they “agreed” or “strongly agreed” that they had “the management skills to respond to the challenges [they] face” in meeting their responsibilities. As seen in this study, the management training that is provided to the categories of potential respondents to this survey is limited but not to the same extent that leadership training has been. Figure 4 shows that these respondents believe they have the skills to meet their daily management challenges. A consideration of the management training that has been provided to participants in the surveyed categories bear out that “slices” of institutionally developed and delivered management training has been a part of the training curriculum provided by the faculty of the University of North Carolina School of Government. A graphic depiction of survey participant responses to this question has been used to further illustrate, and emphasize how strongly these respondents believe they have the management skills necessary to meet everyday challenges of the positions they hold regardless of the management training they have received.
The data that underlie the foregoing themes to this point generally support the idea that public service lawyers and judges consider themselves to be leaders in their districts, that they have the skills necessary to meet their leadership challenges, and that their leadership challenges revolve around a lack of cooperation, coordination, and communication among those who work in the justice system. The mirror image of this is reflected in the data that underlies the themes developed to this point regarding whether these same system personnel have the skills necessary to meet the management challenges they face in their everyday responsibilities and revolve around the ability to organize priorities, time management, and matching the right employee to workload. To test the significance of these concepts, the first basic question asked: *Do public service lawyers and judges believe that leadership and management training are valuable in promoting efficiency and effectiveness in the judicial system?* The supposed answer to this complex question was an affirmative proposition that: *Public service lawyers and judges believe leadership and management training is*
valuable. Questions were then crafted to test this affirmative proposition, Tables 7 through 10 show the data that supports and proves this.

Table 7 clearly supports the notion that public service lawyers and judges believe that leadership skills are important. The specific question asked was: “How important are leadership skills for individuals in the justice system?” Ninety-eight percent (98.2%) of the respondents (n=168 of n=171) said that it was important or very important for system participants. Only 3 respondents said that it was neither important nor unimportant.

Table 7. Importance of leadership skills for judicial system

<table>
<thead>
<tr>
<th></th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Important</td>
<td>68.4</td>
</tr>
<tr>
<td>Important</td>
<td>29.8</td>
</tr>
<tr>
<td>Neither Important nor Unimportant</td>
<td>1.8</td>
</tr>
</tbody>
</table>

Percentages may not equal 100 due to rounding
n=171

The results indicate that public service lawyers and judges believe that leadership training would benefit their judicial district, see Table 8.

Table 8. Perceived benefit of leadership training for district

<table>
<thead>
<tr>
<th></th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>0.6</td>
</tr>
<tr>
<td>Little</td>
<td>5.9</td>
</tr>
<tr>
<td>Some</td>
<td>44.4</td>
</tr>
<tr>
<td>A Lot</td>
<td>49.1</td>
</tr>
</tbody>
</table>

Percentages may not equal 100 due to rounding
n=169

Respondents were also asked to what extent they believed “Leadership training would benefit my judicial district?” An overwhelming majority (93.5%)}
of the respondents said that their judicial district would benefit “some” or “a lot” from leadership training. Only 11 (6.5%) respondents said that it would benefit their districts “little” or “none”.

Public service lawyers and judges believe that management skills are important, see Table 9. When respondents were asked about the importance of management skills for individuals in their district nearly all (99.4%) of the respondents (n=169 of n=170) said that it was important or very important for system participants. Only one respondent said that it was neither important nor unimportant.

Table 9. Importance of management skills for judicial system

<table>
<thead>
<tr>
<th>Importance</th>
<th>Percent</th>
</tr>
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<tbody>
<tr>
<td>Very Important</td>
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</tr>
<tr>
<td>Important</td>
<td>34.1</td>
</tr>
<tr>
<td>Neither Important nor Unimportant</td>
<td>0.6</td>
</tr>
</tbody>
</table>

Percentages may not equal 100 due to rounding

n=170

Table 10 supports the idea that public service lawyers and judges believe that management training would benefit their judicial district. The specific question was posed in the form of a statement and asked the respondents to rank whether: “[m]anagement training would benefit my judicial district” by allocating benefit between none, a little, some, or a lot. Ninety-five percent (95.8%) of the respondents (n=158 of n=165) said that their judicial district would benefit “some” or “a lot” with 56.4% (n=93 of n=165) of them offering the opinion that it would benefit them “a lot” as the response. Only 7 respondents said that it would benefit their districts “little” or “none”.

Table 10. Perceived benefit of management training for judicial district

<table>
<thead>
<tr>
<th>Benefit</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>0</td>
</tr>
<tr>
<td>Little</td>
<td>4</td>
</tr>
</tbody>
</table>
Some 39
A lot 56

Percentages may not equal 100 due to rounding
n=165

The juxtaposition of: “[h]ow important are leadership skills for individuals in the justice system?” and “[h]ow important are management skills for individuals in the justice system?” is significant. The results are statistically identical and both compel a conclusion that each is equal in importance to the other. Indeed, leadership and management skills are conceptually linked, and naturally would allow one to draw this conclusion. The data relating to these two questions sets up the “next steps” recommendation that will be outlined at the conclusion of this paper. Without addressing potential “next steps” at this juncture, this data also lays the foundation for the second proposition that: “[p]ublic service lawyers and judges believe leadership and management training will promote efficiency and effectiveness in the North Carolina Judicial System.” The data supporting this proposition was asked with two broad questions being: “[h]ow much do you believe that leadership training has impacted your ability to contribute positively to the justice system?” and with the second question being: “[h]ow much do you believe that management training has impacted your ability to contribute positively to the justice system?” Each of these questions had three subparts which asked the respondents to rank between, none, a little, some, and a lot the “[i]mpact on your ability to contribute positively to the efficiency of the justice system”, the “[i]mpact on your ability to contribute positively to the effectiveness of the justice system”, and the “[i]mpact on your ability to contribute positively to the justice system over all.” At first blush, these seem to be essentially identical gauges of impact to be rated by the respondents. The concern diminishes because the respondents were given the following definitions to use in this data collection set and were told that: [e]fficiency is to be defined as – “the relationship between resources used and results or services produced” and that [e]ffectiveness is to be defined as – quality of results or services generated as related to achievement of program objectives.” While these were posed as three separate questions, they are consolidated for purposes of this discussion since the results were nearly identical.
In each instance, 111 respondents answered the three questions related to the impact that each believes that leadership training would have on the justice system. For the inquiry regarding whether leadership training would contribute positively to the “efficiency” of the justice system 89% (n=99 of n=111) said that it would have “some” or “a lot” of impact; for the inquiry regarding whether leadership training would contribute positively to the “effectiveness” of the justice system 91% (n=101 of n=111) said that it would have “some” or “a lot” of impact; and for the inquiry regarding whether leadership training would contribute positively to the justice system “over all” 93% (n=103 of n=111) said that it would have “some” or “a lot” of impact, see Figure 5 and 6.

Figure 5. Perceived impact of leadership training

The second question of the proposition was: “[h]ow much do you believe that management training has impacted your ability to contribute positively to the justice system?” and asked the respondents in three subpart questions to rank their abilities between, none, a little, some, and a lot. In each instance, 92 respondents answered the three questions related to the impact that they believe management training would have on the justice system. For the inquiry regarding whether management training would contribute positively to the “efficiency” of the justice system 85.6% (n=79 of n=92) said that it would have “some” or “a lot” of impact; for the inquiry regarding whether management
training would contribute positively to the “effectiveness” of the justice system 84.7% (n=78 of n=92) said that it would have “some” or “a lot” of impact; and for the inquiry regarding whether management training would contribute positively to the justice system “over all” 82.6% (n=76 of n=92) said that it would have “some” or “a lot” of impact, Figure 5 and 6.

Figure 6. Perceived impact of management training

Figures 5 and 6 support the notion that public service lawyers and judges believe that leadership and management training are valuable and will promote efficiency and effectiveness in the North Carolina Judicial System. Figures 7 and 8 show that each of the justice system leaders, regardless of position held, believe that other constituent leaders of their respective judicial districts need leadership and management training. This is a particularly strong response as it relates to management training for all system personnel who hold leadership positions. The one slight caveat relates to specifically designed leadership training for Trial Court Administrators. Trial Court Administrators were not a component of the survey participant pool but were included in this question to the public service lawyers and judges of the system because of the vital administrative role that they play in the handful of districts where they are assigned. There are ten Trial Court Administrators assigned across the state primarily in the more urban areas. Also, 45 Trial Court Coordinators are assigned to help handle Superior Court Civil case calendaring and often act as an administrative assistant to the Senior Superior Court Judges. There are also
Trial Court Coordinators assigned around the state to handle District Court Civil case calendaring and often act as an administrative assistant to the Chief District Court Judge where they work.\textsuperscript{54}

Figure 7. Leadership training needed for position type

![Figure 7](image1)

Figure 8. Management training needed for position type

![Figure 8](image2)

Leadership and Management Training Currently Offered in the North Carolina Justice System

To change minds and shift the paradigm regarding the provision of current training to justice system leaders, it is essential to understand what leadership and management training they do receive and what they believe their training should look like if provided. To explore these issues, the second basic research question was asked: “[d]o public service lawyers and judges receive leadership and management training? If so, what training is provided or offered to them? Based upon observations of persons familiar with the North Carolina Justice System for nearly 30 years, there is a perception that “[p]ublic service lawyers and judges have received limited formal leadership and management training in the North Carolina Judicial System.”\footnote{Interview with Professor James C. Dennan, University of North Carolina School of Government, conducted June 17, 2013.} To flesh out this issue, a series of questions were asked of the respondents. The data derived from these questions clearly shows that the public service lawyers and judges of our justice system believe that they have had leadership training, but is this truly the case? See Tables 11 and 12 coupled with Figure 9. The data that has been discussed generally shows that the public service lawyers and judges of the North Carolina justice system believe that leadership and management training are important, that participants in the system need such training, and that the AOC acknowledges that employee development and training of individuals “will enhance the Judicial Branch” of government.\footnote{The N.C. Administrative Office of the Courts, New Employee Orientation, p. 59, http://www.nccourts.org/Courts (accessed March 23, 2014).}

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
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</thead>
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<td>33.3</td>
</tr>
<tr>
<td>RSCJ</td>
<td>50.0</td>
<td>50.0</td>
</tr>
</tbody>
</table>

Table 11. Leadership training received during career
<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>SRSCJ</td>
<td>44.0</td>
<td>56.0</td>
</tr>
<tr>
<td>RSCJ</td>
<td>30.0</td>
<td>70.0</td>
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<tr>
<td>SSCJ</td>
<td>41.7</td>
<td>58.3</td>
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<td>CDCJ</td>
<td>76.5</td>
<td>23.5</td>
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<tr>
<td>DCJ</td>
<td>39.2</td>
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<td>78.8</td>
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<td>PD</td>
<td>91.7</td>
<td>8.3</td>
</tr>
<tr>
<td>Total</td>
<td>54.1</td>
<td>45.9</td>
</tr>
</tbody>
</table>

Table 12. Management training received during career

n=170
The proposition that the AOC acknowledges the importance of employee development and training of individuals is articulated and confirmed in the *New Employee Orientation* guide which states that: “*The Judicial Branch has been fortunate to hire and retain well-qualified personnel however, changes in technology and laws cause the need for continuing employee development and training. The Administrative Office of the Courts, Institute of Government (a department of The University of North Carolina at Chapel Hill [now School of Government]), Personnel Development Center (a division of the Office of State Personnel) and outside experts team up to provide continuing opportunities for individual and organizational development which will enhance the Judicial Branch.*”\(^57\) The salient meaning of this quotation from the AOC Website shows that “employee development and training” is significant to the Judicial Branch of state government. With this realization, the question was asked: “*What leadership and management training is formally provided to and/or desired by the public service lawyers and judges in the North Carolina judicial system?*”

\(^{57}\) *Id.* at 59.
respond to this question, the study considered what leadership and management training has been provided to these personnel for the last ten years. The ten year period of time was chosen because 69.9% of the personnel participating in this study have been in their current leadership roles for ten years or less, see Table 2. The data show that the remaining personnel have been in their current jobs for more than ten years as shown in Table 4. Of these personnel, 11.8% of them will be leaving the Judicial System within less than two years and 20.1% of them will be leaving the system between the next three to five years. The importance of the choice of the past ten year period was to review whether everyone in the participant groups asked to complete the survey had been exposed to the offer of leadership and management training during a significant timeframe. The proposition that drove this inquiry was that there has been a systematic deficiency in the provision of leadership and management training to the public service lawyers and judges in the North Carolina Judicial System.

**Leadership and Management Training For Superior Court Judges**

Starting with the Superior Court Judges, a review of what leadership and management training that is provided by the AOC, the Superior Court Judges’ Conference, the University of North Carolina at Chapel Hill School of Government\(^58\) and the University of North Carolina School of Government Judicial

\(^58\) The University of North Carolina School of Government provides educational and other resources for a wide range of North Carolina court officials, including appellate judges, trial judges, clerks of court (and their employees), magistrates, district attorneys (and their employees), public defenders (and their employees), court administrators (including family court and problem-solving court personnel), and employees of the Administrative Office of the Courts. The School's faculty members also work with state and local officials who don't work directly for the court system including law enforcement officers, correctional officials, sheriffs, juvenile justice employees, social services employees, medical personnel, private attorneys, employees of nonprofit organizations who work with criminal justice agencies, domestic violence program employees, Division of Motor Vehicle employees, and county employees who interact with the court system, among others, [http://www.sog.unc.edu/](http://www.sog.unc.edu/) (accessed March 23, 2014).
College\textsuperscript{59} during the last ten years has shown that the primary training in this regard has been the \textit{Judicial District Executive Seminar} taught by James C. Drennan, Professor of Public Law and Government at the School of Government at the University of North Carolina.\textsuperscript{60} Although this training has been continuously updated over the years, the last iteration of it indicates that the training is comprised of three two-day sessions conducted over a three-month period.\textsuperscript{61} Typically, the personnel included in the seminar come from judicial districts that are willing to send the Senior Resident Superior Court Judge, the Chief District Court Judge, the District Attorney, the Chief Public Defender, and the Clerk of

\textsuperscript{59}The UNC School of Government is home to the North Carolina Judicial College, which offers a curriculum of programs and educational materials for judicial branch employees. Programs of the Judicial College focus on specific topics, use interactive learning methods, and limit attendance to ensure the opportunity for full participation by the learner. The programs target areas in which court officials have a demonstrated need, and over time the Judicial College will help judicial branch employees develop their skills more fully, fill in gaps in their knowledge that continuing education programs rarely have time to address, and provide programming that is of interest to officials in all stages of their career, (http://www.sog.unc.edu/) (accessed March 23, 2014).

\textsuperscript{60}James C. Drennan joined the School of Government (then the Institute of Government) in 1974. He teaches and advises on court administration issues, judicial ethics and fairness, criminal sentencing, and judicial leadership. Drennan is also responsible for the educational programs for clerks of superior court and court administrators. While on leave from 1993 through 1995, he served as director of the North Carolina Administrative Office of the Courts. He is a member of the North Carolina State Bar, the American Bar Association, and the National Association of State Judicial Educators. Drennan earned a BA from Furman University and a JD from Duke University, where he served on the editorial board of the \textit{Duke Law Journal}, http://www.sog.unc.edu/ (accessed March 23, 2014).

While there are numerous courses designed to provide training and instruction on individual skills, the Judicial District Executive Seminar appears to be the only course offering for Superior Court Judges that teaches specifically designed leadership and management skills. The response that the Senior Resident Judges gave, as shown in Table 11 and Figure 9, indicates that 66.7% of them believe that they have had leadership training. This is understandable and may be accurate for them as a group. Without having access to the rosters of attendees participating in the Judicial District Executive Seminar for the last ten years there is no way to track whether this data captures them all. With this data caveat, it is also impossible to determine whether any of these individuals may have received any leadership training at the National Judicial College in Reno, Nevada, from the National District Attorneys’ Association, the National Center for State Courts or one of the military services. When asked to explain the potential impact leadership and management training might have on a judicial district, several participants provided descriptive responses that suggest that they have received such training outside of the North Carolina Justice System. The responses of the Resident Superior Court Judges of 50% and Special Superior Court Judges of 33.3% stating that they have received leadership training during the last ten years may not be accurate unless they were in previous positions as the Chief District Court Judge or very recently served as a Chief Public Defender or District Attorney since, as will be shown, these participant groups have received very little leadership training during the last ten years. This same general trend holds true for the provision of management training for the Resident Superior Court Judges and Special Superior Court Judges, who indicate respectively that 30% and 41.7 % of them have had such instruction. The 44.5 response rate for the Senior Resident Superior Court Judges is a bit puzzling since only 44% of them say they have had management training in contrast to the 66.7% which say they have had leadership training, see Table 11 and Figure 9.

Leadership and Management Training For District Court Judges

Continuing with a review of the leadership and management training that is offered to the District Court Judges, the reader will notice that this group of system personnel does not receive such training unless they serve their respective judicial district as the Chief District Court Judge. If one holds this position in the judicial district, then one receives what is arguably the most comprehensive cache of leadership and management training of all the participant groups surveyed. Dr. Willow Jacobson, Associate Professor of Public Administration and Government was able to provide a list of leadership and management training blocks of instruction that have been provided to the Chief District Court Judges during the last seven years.\(^6\) Dr. Jacobson states that the SOG began “to systematically integrate leadership training into…training for the Chief [District Court Judges]” as follows:

2008: Program Outcomes:
1. Identify workforce and community trends that impact the judicial system
2. Recognize their role as individual, organizational and community leaders to lead and manage court personnel and programs
3. Identify their conflict response style and adapt it according to the situation
4. Apply dynamics of effective teams to lead court personnel and programs

2009: Learning Outcomes:
1. Create a common understanding of the magistrate's roles and responsibilities

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\(^6\) Willow Jacobson joined the School of Government faculty in 2003. Prior to that, she taught in the Master of Public Administration program at the University of Connecticut and worked on the Government Performance Project and the New Jersey Initiative at the Alan K. Campbell Institute at The Maxwell School of Citizenship and Public Affairs, Syracuse University. She has also assisted with strategic planning for community collaboratives in California and Oregon state government. Currently Jacobson teaches in the Master of Public Administration program, and she was integrally involved in the 2005 inaugural session of the Public Executive Leadership Academy. Her research has appeared in *Public Administration Review* and *Public Personnel Management*. Jacobson holds a PhD from Syracuse University, [http://www.sog.unc.edu/](http://www.sog.unc.edu/) (accessed March 23, 2014).
2. Identify stages of the employment life cycle and your role as leader
3. Discover how to build and maintain relationships with magistrates including setting expectations, giving feedback, and acknowledging performance
4. Receive information about rules governing the appointment, pay and removal of magistrates
5. Share strategies for managing day-to-day operations and working relationships with magistrates

2010: Media Relations with Mark Weaver
2011: Self-care and Working with Counties
2012: The Leadership Challenge
2013: Emotional Intelligence

This collective list of training clearly shows that the Chief District Court Judges have been exposed to a panoply of types of instruction related to leadership and management issues. The responses that they gave, as shown in Table 11 and Figure 9, which indicate that 94.1% of the Chief District Court Judges believe that they have had leadership training is understandable and appears accurate for them as a group. A review of training agenda of the last ten years for instruction provided by the faculty of the UNC School of Government to the North Carolina Conference of District Court Judges and the School of Government Judicial College shows that this group of judges consistently receives substantive instruction on a variety of legal subjects designed to enhance an individual judge’s knowledge of these subjects. No other single course, specifically designed, to train individual leadership or management skills was found. The same data caveat applies to the District Court Judges, District Attorneys, and Chief Public Defenders which make it impossible to determine whether any of these individuals may have received any leadership training at the National Judicial College in Reno, Nevada, from the National District Attorneys’ Association, the National Center for State

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64 Email communication to the author from Dr. Willow Jacobson, November 27, 2013.
Courts or one of the military services. Accordingly, when these personnel were asked to explain the potential impact leadership and management training might have on a judicial district, several participants provided descriptive responses that suggest that they have received such training outside of the North Carolina Justice system.

**Leadership and Management Training For Elected District Attorneys**

The responses District Attorneys gave regarding whether they have received leadership and management training are seen in Tables 11 and 12 along with Figure 9. As indicated, the data show that 81% of the District Attorneys believe they have had leadership training and a similar 78.8% believe they have had management training. A review of training agenda of the last ten years for instruction provided by the faculty of the UNC School of Government to the North Carolina Conference of District Attorneys and the School of Government Judicial College shows that this group of public service lawyers has received only one course of instruction specifically designed to teach them leadership skills or management techniques to operate in their respective districts. This course was sponsored by the North Carolina Conference of District Attorneys and was taught by David C. Steelman of the National Center for State Courts and a panel of four Superior Court Judges, including: Thomas Locke, Paul Gessner, Stuart Albright, and the author of this paper. The course primarily focused on system management strategies and briefly introduced the concept of training leadership skills to public service lawyers.  

As a follow-up to this training, the North Carolina Conference of District Attorneys obtained a one-time grant of funds from the North Carolina Crime Commission to sponsor a commercial leadership course currently used in the private sector titled “The Leadership Challenge” authored by Drs. James Kouzes and Barry Posner. This training was provided to fifteen

Elected/Appointed District Attorneys, two Senior Assistant District Attorneys, a United States Attorney, and the Colonel of the North Carolina Highway Patrol. This training was conducted more than six months after the survey for this research was completed and was not included in the data collection.

The response that the District Attorneys gave, as shown in Tables 11 and 12, along with Figure 9, indicates that they overwhelmingly believe that they have had leadership and management training. The responses show that 81.8% of them believe they have had leadership training and 78.8% of them believe they have had management training. This is somewhat understandable and may be accurate for them as a group. This would assume that the District Attorneys responding to the survey may have received leadership and management training from some source other than the UNC School of Government in conjunction with the Conference of District Attorneys. Also, without having access to the rosters of attendees participating in the Judicial District Executive Seminar for the last ten years there is no way to track whether this data captures all of them who may have taken this course. Just as the other public service professionals studied here, the District Attorneys have had a continuous series of courses from the UNC School of Government and their respective Conference of District Attorneys intended to enhance their individual knowledge of legal subjects so that they could better perform their responsibilities. No other courses, specifically designed to train individual leadership or management skills was found from a review of their training sources.

Leadership and Management Training For Chief Public Defenders

As can be seen in Tables 11 and 12 and Figure 9, the Chief Public Defenders of North Carolina clearly believe that they have received some level of leadership and management training with 75% of the respondents stating that they have received leadership training and 91.7% of them stating that they have received management training. Consistent with a review of such training that the Chief Public Defenders have had during the last ten years that there is strong evidence
that during the last two years, in particular, that leadership and management training has had some focus of attention and resourcing. Continuing Education Coordinator for Indigent Defense Education, Brooke Bailey\textsuperscript{68} of the UNC School of Government confirms that:

There are several methods of leadership and management training available to our public defenders. The UNC School of Government works with the Office of Indigent Defense Services (IDS) to provide at least one full-day program annually on leadership and management for chief public defenders and senior assistant public defenders with management responsibilities. In 2013, the primary focus was on coaching and mentoring techniques to improve representation. In 2014, the focus will be on ways to effectively support a staff and develop a team concept in public defender offices. In collaboration with IDS, the School of Government also holds an annual one-day program for administrative assistants in public defender offices. Those personnel act as office managers in North Carolina public defender offices. In terms of other opportunities offered by the School of Government, Professor Jim Drennan regularly provides courses on judicial leadership and reserves spaces for selected public defenders to attend. Public defenders are eligible to attend the School’s Public and Local Elected Leadership Academies; however, because these programs are generally aimed at other branches of government, few public defenders, if any, attend. Public defenders are also eligible to attend any leadership or management training made generally available to judicial branch employees by the Administrative Office of the Courts and to state employees by the Office of State Personnel. The extent of attendance by public defenders is unclear but likely is fairly low. On a national level, North Carolina public defenders are...
eligible to attend any relevant training for which they receive authorization from IDS. Examples would be leadership training provided by Gideon’s Promise and the National Legal Aid and Defender Association, two national organizations providing public defender training. Such authorizations are made on a case by case basis dependent on fiscal resources and other considerations as determined by IDS.69

A further review of past training conferences indicates that the Chief Public Defenders, like the Judges and District Attorneys, receive a continuous series of courses from the UNC School of Government and the Indigent Defense Services personnel intended to enhance their individual knowledge of legal subjects so that they can better perform their responsibilities. No courses other than those described by Brooke Bailey, specifically designed, to train individual leadership or management skills was found from a review of Public Defender training sources. Once again, without having access to the rosters of attendees participating in the Judicial District Executive Seminar for the last ten years there is no way to track whether this data captures all of the Chief Public Defenders who may have taken this course.

As an aside, it is interesting to note that the North Carolina Bar Association (NCBA) has begun to acknowledge how important leadership training is to the future of the practice of law in this state. For the last two years, the NCBA has conducted a Leadership Academy for a select number of young lawyers in North Carolina. The Leadership Academy program was designed to “provide an intensely interactive and participatory leadership training program, utilizing some of the tools and techniques developed by the Center for Creative Leadership.”70 “The goals of the program…[was] to: [i]ncrease personal self-awareness, including strengths and areas for development; [d]evelop and refine leadership skills, including inspiring confidence, creating a clear and compelling vision, building

69 Email communication to the author from Brooke Bailey, Continuing Education Coordinator of the University of North Carolina School of Government, January 7, 2014.

trust, communicating effectively, and enhancing team performance; [i]mprove the
ability to influence others; and … to ‘make a difference’.” Interestingly, many of
the same concepts outlined and expressed as goals of the NCBA Leadership
Academy are similar to those desired by the public service lawyers and judges of
the North Carolina Judicial System and as shown in Tables 13 and 14 and Figures
10 and 11.

Leadership and Management Training Desired by Judicial System Leaders

In view of the data developed in this study, it is clear the public service lawyers
and judges believe that leadership and management skills training are important to
promote efficiency and effectiveness in their individual judicial systems but of
what do they believe that this training should consist? Traditional leadership and
management training skills concepts were explored to understand what public
service lawyers and judges in the North Carolina Judicial System believe they
need. Specifically, five broad categories of related topics were considered
including: (1) Leadership and Management training components, (2) Motivation,
(3) Employee Development, (4) Communication, and (5) Problem Solving. The
questions contained in Table 13 dissect the main topic of leadership and
management training and asked the participants to respond to specific areas of this
category of potential instruction. Table 13 provides the overview of the responses
for all respondents on the desired level of training for the areas of leadership and
management. Results on the other four areas of potential training (Motivation,
Employee Development, Communication, and Problem Solving) are shown in
Appendix B.

<table>
<thead>
<tr>
<th>Table 13. Leadership and management training needs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very</td>
</tr>
</tbody>
</table>

---

71 Id. at 3.
In looking at the responses given to these concepts by specific populations within the judicial system, it is clear that leadership and management training is desired consistently across these different topics. However, the level of identified need varies. Table 14 coupled with Figures 10 and 11 show significant differences of identified need for these components of leadership and management training among the respondent categories and shall be considered in more detail.

As Table 13 shows, the top three component categories regarding desired training are Developing Teamwork among Employees, Developing a Positive

<table>
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<tr>
<th>Component Category</th>
<th>High</th>
<th>Low</th>
<th>High</th>
<th>Low</th>
<th>High</th>
<th>Low</th>
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</thead>
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<td>Discovering and applying your leadership style</td>
<td>21</td>
<td>31.3</td>
<td>34.3</td>
<td>9.6</td>
<td>3.6</td>
<td>166</td>
</tr>
<tr>
<td>Developing flexible/appropriate leadership styles</td>
<td>19.9</td>
<td>41.6</td>
<td>29.5</td>
<td>6.0</td>
<td>3.0</td>
<td>166</td>
</tr>
<tr>
<td>Developing teamwork among employees</td>
<td>30.5</td>
<td>40.1</td>
<td>20.4</td>
<td>7.2</td>
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<td>167</td>
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<tr>
<td>Implementing organizational change</td>
<td>29.5</td>
<td>32.5</td>
<td>30.1</td>
<td>6.1</td>
<td>1.8</td>
<td>166</td>
</tr>
<tr>
<td>Influence without authority (dealing effectively with peers)</td>
<td>26.9</td>
<td>37.1</td>
<td>26.3</td>
<td>6.0</td>
<td>3.6</td>
<td>167</td>
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<tr>
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<td>22.2</td>
<td>35.9</td>
<td>16.2</td>
<td>9.6</td>
<td>167</td>
</tr>
<tr>
<td>Establishing a vision</td>
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<td>35.5</td>
<td>28.9</td>
<td>7.2</td>
<td>5.4</td>
<td>166</td>
</tr>
<tr>
<td>Developing a positive culture</td>
<td>33.5</td>
<td>41.9</td>
<td>16.8</td>
<td>3.0</td>
<td>4.8</td>
<td>167</td>
</tr>
<tr>
<td>Creating collaborative working relationships</td>
<td>33.5</td>
<td>41.9</td>
<td>16.8</td>
<td>4.2</td>
<td>3.6</td>
<td>167</td>
</tr>
</tbody>
</table>
Culture, and Creating Collaborative Working Relationships, each garnered more than a 70% response rate across the collective of participants. Intuitively, a high response rate of these related component categories is understandable given the environments where justice system employees work. Anecdotal observations of courthouse environments around the state show that when the various constituent groups engage in creating collaborative working relationships in a positive culture often this produces smoother, more efficient operational function. It is therefore reasonable to assume that “where people get along, they get more done!”

The surprising responses in the component category of desired leadership and management training relate to: Influence without Authority (dealing effectively with peers). As a group, this shows that the respondents fail to recognize how important developing the peer-to-peer relationship can be and the effect that strong relationships of this nature can have on the overall performance of personnel in a judicial district. Also of concern are the responses relating to: Establishing a Vision and Implementing Organizational Change. The relatively low responses of participants of 57% and 62% respectively show that the collective thought that these were “Very High” or “High” training needs. This suggests that participants do not realize or acknowledge how valuable and important setting a clear, easily understood course of action for the organization can have on its performance. It also shows that these respondents do not understand how vital it can be to an organization to change the culture of “doing something a particular way because it is how it has always been done.”

Delving into the individual group responses for each of these desired training categories, the reader sees dramatic divergence in how each group views certain types of training. Of particular interest, Table 14 and Figure 11 show the comparatively low ranking that the Senior Resident Superior Court Judges offered for each type of desired leadership training. In the judicial districts across the state, Senior Resident Superior Court Judges are viewed as the titular head of the district and in a real sense each is generally seen as the “public face” of the district who often must respond to issues raised in the public by the media. Examples of this tend to relate to district policy regarding pre-trial release of charged defendants, case backlogs, case management matters, and issues that arise when there is alleged misconduct on the part of district personnel. Obviously, this is not an exhaustive list but is offered merely to illustrate that the Senior Resident Superior Court Judge has very little, if any, control over those responsible for the
expressed concern. The person holding this position is generally the first contacted by media when something has gone wrong. That is why the consistently low ranking given by the Senior Resident Superior Court Judges as a group in every category of desired leadership training is so interesting and puzzling. The only logical explanation that can be offered by the author is that the demographics, as described herein earlier, show that Senior Resident Superior Court Judges tend to be significantly older, have practiced law longer, and intend on leaving the judicial system sooner than the other groups and are arguably less likely to change how they do their jobs. While this may not be the exclusive reason for this phenomenon, it does seem to be a strong possible conclusion that the reader can make. See Table 14, Figures 10 and 11.

Table 14. Leadership training need ranked as high or very high

<table>
<thead>
<tr>
<th></th>
<th>SRSCJ</th>
<th>RSCJ</th>
<th>SSCJ</th>
<th>CDCJ</th>
<th>DCJ</th>
<th>DA</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discovering and applying your leadership style</td>
<td>25</td>
<td>65</td>
<td>66.7</td>
<td>52.9</td>
<td>55.1</td>
<td>50.1</td>
<td>66.7</td>
</tr>
<tr>
<td>Developing flexible/appropriate leadership styles</td>
<td>41.6</td>
<td>75</td>
<td>66.7</td>
<td>68.8</td>
<td>57.1</td>
<td>66.7</td>
<td>66.7</td>
</tr>
<tr>
<td>Developing teamwork among</td>
<td>58.4</td>
<td>70</td>
<td>58.4</td>
<td>58.8</td>
<td>69.4</td>
<td>87.9</td>
<td>83.4</td>
</tr>
</tbody>
</table>
Looking more closely at individual and specific leadership skills, Figure 10 depicts the level of those indicating a “High” or “Very High” interest in training related to discovering and applying a leadership style and developing a flexible/appropriate leadership style with the exception of the Senior Resident Superior Court Judges. The non-Senior Resident Superior Court Judge groups had equal or greater interest in developing appropriate leadership styles in relationship to learning about their current leadership style. Again, there is high interest in this type of training by judges of all types with the exception of Senior Resident Superior Court Judges. A possible explanation for this is that judges in those positions believe that they have already developed and are implementing an effective leadership style. The question regarding “Influence without authority (dealing effectively with peers)”
yields a fascinating result and, once again, shows that the Senior Resident Superior Court Judges rank the lowest of the respondent groups on interest in learning about how to influence people without authority. This is a significant statistic since, the Senior Resident Superior Court Judges, Resident Superior Court Judges, Chief District Court Judges, and District Court Judges are all independently elected, hold Constitutional offices, and owe no allegiance to anyone but the people of their respective districts and the law. The ability to influence and lead members of such a peer group without any authority over them would naturally seem important training to receive. Curiously, the Chief District Court Judges and District Court Judges rank this training as a high priority while the other respondent groups seem to discount the desirability for this training.

A close look at Figure 10 and 11 also shows how similarly District Attorneys and Chief Public Defenders rank the desire for each category of training. In every instance except for “Diversity as a workplace issue” and “Influence without authority” the District Attorneys and Chief Public Defenders rank the desire for each category of training within a few percentage points of each other. Even though District Attorneys and Public Defenders have diametrically opposed obligations to the entities that they represent, the similarity in these responses seem logical, since both handle large case loads, manage relatively large staffs of personnel, and deal with many of the same types of issues attendant to personnel and administrative policy creation.
Figure 10. Leadership skills ranked as high or very high

Looking more closely at concepts related to the working arrangements and environment of the judicial system it can be seen that learning more about diversity in the workplace is of interest to system leaders but at a substantially lower level compared to training focused on active skills to change the workplace such as developing teams and creating collaborative working relationships.
Figure 11. Work environment elements

Results on the other four areas of potential training of Motivation, Employee Development, Communication, and Problem Solving are shown in Tables 1A-4A of Appendix B. A cursory review of these desired training needs shows that for Motivation training needs that the sub-category of “ways to improve work climate” garnered 74% of the responses from participants who said that this area of training was a “High” or “Very High” demand. Of the Employee Development training needs category, the sub-category of “delegation” hit center of mass with 72% of the responses from participants who said that this area of training was of “High” or “Moderate” demand. The sub-category of “dealing with difficult personalities” received 75% of the responses from participants who “Highly” or “Very Highly” desired this training. Finally, in the Problem Solving training needs category, the sub-category of “using effective problem solving methods” received 75% of the responses form participants who “Highly” or “Very Highly” desired such training. Looking at the disciplines of leadership and management training that traditionally include many of the sub-categories considered in the survey, the reader will see
that the training desired by the public service lawyers and judges of the North Carolina justice system are similar to the instruction that is offered in many of the public entity and commercial training modalities that are beginning to be taught in various other states.

A Brief Survey of Leadership and Management Training Offered in the Judicial Systems of other Jurisdictions

A review of constituent members of *The Judicial Education Reference, Information and Technical Transfer Project*” (JERRITT), the National Center for State Courts (NCSC), National Association for Court Management (NACM) shows that, for more than two decades, numerous states, including the District of Columbia, have taken varied approaches to institutionalizing leadership and management training programs for the public service lawyers and judges of their respective jurisdictions. Evaluating the institutionalized leadership and management training for a representative sample of state level jurisdictions, including: Arizona, California, Colorado, Georgia, Maryland, Michigan, New Hampshire, North Carolina, North Dakota, Ohio, and the District of Columbia demonstrates that there is great variance in the degree, detail, and depth of this training and for whom within the individual justice systems it is provided. Some jurisdictions provide periodic, short duration (1-4 hours) blocks of leadership and case management training as a component of individual skills training that is offered on a scheduled basis. Others, like Ohio, offer a comparatively robust training regime over an extended, multiple-year, period of series training sessions that build on prior course instruction.72 In addition to offering leadership and

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72 Email communication with author on July 15, 2013 from J. Kristopher Steele, Education Program Manager, The Supreme Court of Ohio. Who related that Ohio had “developed a Leadership Series for court employees. This series was targeted at any court employee who was in a supervisory position or (ideally) was being groomed to be a supervisor. It is a nine course series with three courses being offered each year, for a three year period. When the series finishes it will then repeat, so that new supervisors who came in during the middle of the series can just loop back around and take any courses they missed. All the courses in the
management training opportunities to its judge personnel, Ohio also offers such training to non-judicial court personnel and is conducted generally over extended, multiple-year periods. By its emphasis on formalized leadership and series are voluntary: if supervisors are particularly strong in one area, they do not need to take all nine courses. …The nine courses are as follows: Management 101: (Responsibilities of supervisors, key fundamentals of management, “do’s” and “don’ts”, from peer to supervisor, and ethics), Coaching, Motivating, and Retaining Employees, Interviewing, Hiring, and Firing, Performance Management / Employee Development, Planning and Project Management / Managing Change, Creating a Healthy Organizational Culture / Team Building, Managing a Diverse Workforce, Interpersonal Communication, Dealing with Difficult People, Managing Conflict and Stress.”

73 Email communication with author on July 12, 2013 from Margaret R. Allen, Education Program Manager, The Supreme Court of Ohio. Ms. Allen related that, “in Ohio, we have two opportunities related [specifically] to leadership education. First, for non-judicial court personnel, we offer the Court Management Program (CMP), developed by the National Center for State Courts. There are 12 modules based on the NACM Core Competencies. These modules address aspects of court management and leadership from nuts and bolts topics such as caseflow management to more theoretical topics such as visioning and strategic planning. You may find the NACM Core Competencies to be interesting reading, as the competencies outline the knowledge, skills and abilities related to each competency, including the Leadership competency.” For the last two years Ohio has offered a course called the Court Executive Team Seminar. “[T]his course is for the “court executive team”. That could be the administrative judge and court administrator, or the team could also include clerk or probation staff (one judge must attend as part of the team). Courts determine the appropriate personnel to include as attendees for this course, and we have had courts bring as many as six people to the course. In truth, it is a “mini-CMP”, to expose the judges to the information shared in the CMP curriculum. Topics include the role and duties of the administrative judge and court administrator, caseflow management, managing financial resources, and the second day of the course (in both Parts I and II) is a full day of human resources.”
management training for a broad range of system personnel, Ohio is certainly one of the states that acknowledges how important such training can be to justice system efficiency and effectiveness.

**Cost Considerations, Conclusions, and Recommendations for the Formalization of Leadership and Management Training in the North Carolina Justice System**

Public service lawyers and judges who serve everyday as the front line supervisors and managers of justice system personnel believe that leadership and management training are valuable and will promote efficiency and effectiveness in the North Carolina Judicial System and that system leaders need such training (See Figures 5 through 8). There are a myriad of approaches for designing management and leadership training. If the interest is in demonstrating the impact of such training, one possible design would be to select some districts to receive training and compare organizational outcomes such as case load composition, whether there are backlogs, what the policies are for case disposition, and whether there are case flow management practices in place with districts not participating in such training (this would provide for a quasi-experimental design that could help to determine the impact of training over time).

Noted organizations such as the *Judicial Education Reference, Information and Technical Transfer Project*” (JERRITT), the National Center for State Courts (NCSC), and National Association for Court Management (NACM) have long advocated for leadership and management training for professionals who work in the justice system. Additionally, commercial vendors of instructional materials such as *The Leadership Challenge* or the *Center for Creative Leadership* offer leadership and management training packages for purchase and are sometimes used by judicial system leaders across various states to fill educational gaps in this arena.

Cost considerations are a central concern for organizations exploring training opportunities. As an example of possible costs, the Conference of District Attorneys obtained a grant to train a small group of Elected District Attorneys using a commercial vendor training package from *The Leadership Challenge*,
authored by James Kouzes and Barry Posner. The Leadership Challenge is designed for a small group learning experience of between 15-30 participants. In January of 2014, the Conference of District Attorneys sponsored 19 justice professional at a two-day session of leadership training at a total cost of nearly twenty-six thousand dollars ($26,000). The program objective was to “[p]rovide District Attorneys with the tools and skills to successfully lead criminal justice professionals [and] implement improved efficiencies.” Offering this training to all forty-four (44) District Attorneys for this two-day course would require at least two more sessions of instruction at an approximate cost of fifty-two thousand dollars ($52,000) assuming The Leadership Challenge was used as the training modality.

As another example, the University of North Carolina School of Government (SOG) has begun providing leadership training to the Chief District Court Judges, including a session on Kouzes and Posner’s, The Leadership Challenge. This training is offered to all Chief District Court Judges and attendance is generally around forty (40) participants per session. Training of similar length and content offered by the School of Government fluctuate in price but average around $1,000. If one were to extrapolate this cost as described, roughly ten (10) groups of District Attorneys, Public Defenders, District Court Judges, and Superior Court Judges could be trained by the SOG staff and faculty similarly to how the Chief District Court Judges are being trained and it would cost approximately ten thousand dollars ($10,000) per year with a continuous training cycle. If a commercial vendor were used, similar to the single grant funded training of the District Attorneys in January 2014, it would cost approximately three hundred

75 Email communication with author on February 19, 2014 from Margaret “Peg” Dorer, Executive Director of the North Carolina Conference of District Attorneys. Program cost for the 19 personnel were as follows: Instructors from Leadership Diversity ($17,551.54); Leadership Challenge Training Materials ($2552); Travel costs for participants ($5700); Supplies ($184.24).
76 Interview of Dr. Willow Jacobson, Associate Professor of Public Administration and Government and Director, LGFCU Fellows Program of the UNC School of Government, conducted on February 28, 2014. Cost estimate based on cost for the Building your leadership capacity program.
eighty thousand dollars ($380,000) per year for training in a continuous cycle. In Appendix C there is an outline of leadership and management training regimes as offered by various public entities, demonstrating the range of costs for leadership and management training programs. Often, the costs shown are for a single individual and not for a group of participants.

Many in the justice system take the position that you cannot put a price tag on justice. If the justice system transitions from simply handling cases to guarding and protecting the institution of the judiciary it is easier to understand the criticality of leadership training. The North Carolina Legislature sets the priority for the Judicial Branch when it sets the spending parameters for the Courts.

The Director of the Administrative Office of the Courts, Judge John Smith, consistently states at public forums that the North Carolina justice system has been woefully under-funded for several decades. On these occasions, Judge Smith has described the austere funding environment that exists for the courts and suggests that these circumstances will continue.\textsuperscript{77} The leadership of the system, typically represented by the Chief Justice of the North Carolina Supreme Court, as the head of the organization along with the Director of the Administrative Office of the Courts and the staff have lobbied, cajoled, and begged members of the North Carolina Legislature to fund this system at levels adequate to meet the justice needs of our people and to make advances to bring the courts into the modern age. Often, as seen by the level of funding received and addressed earlier in this study, the courts have been provided far less than full-measure of what is necessary to meet the Constitutional mandates imposed on public service lawyers, judges, and justice system administrative personnel. The public demands more direct service and accountability from its public servants. The huge backlogs of cases in some districts suggest that the system struggles to meet its demands resulting in challenges to the legitimacy and public trust of the Courts. One response the system can make is to instill leadership and management skills throughout its ranks.

Recently, former North Carolina Bar Association Presidents, Martin Brinkley and John Wester put a fine point on the overall funding of the courts and helped

\textsuperscript{77} Administrative Office of the Courts Director John W. Smith’s comments at the \textit{Superior Court Judges’ Conference}, University of North Carolina at Chapel Hill, School of Government, Chapel Hill, North Carolina, October 22, 2013.
put a subtle, but important perspective on resource use when they said that “[t]he more we leave the judiciary strapped, the more we endanger public safety delaying resolution of criminal cases, hurt vulnerable children and the elderly and diminish our freedom. As inadequate judicial funding harms real people, the courts lose the confidence of the very public that counts on them for relief. The erosion is both stealthy and insidious. … Faith in the rule of law doesn’t just happen. It is hard to create and easy to destroy. We are already giving our fellow North Carolinians a ration card for justice – a first step on a path to contempt for law. We cannot allow the courts to become our last priority. The stakes are too high.”

The public service lawyers and judges of North Carolina judicial system view leadership and management training as a mechanism that will help them become more effective and efficient in the use of resources allocated to the courts.

The overriding themes that derive from the responses to questions of this study are that: a vast majority of the public service lawyers and judges of the North Carolina Justice System see themselves as leaders in their individual judicial districts who believe that formalized leadership and management training skills are valuable and would contribute to the promotion of efficiency and effectiveness in the system; that this training is desired by them; that they believe various members of the justice system should receive it. These same justice system professionals also articulate general ideas about the form that such leadership and management training should have in its formalized delivery to system personnel. Overwhelmingly, the public service lawyers and judges of the North Carolina justice system agree that the most significant leadership challenges that they face relate to a lack of: cooperation, coordination, and communication, and that the most significant management challenges they face relate to a lack of: organization of priorities, time management, and matching the right employee to workload. Interestingly, the survey participants of this study asserted, regardless of how long they have held their justice system position, that they possess the personal leadership and management skills necessary to meet the challenges of their

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responsibilities and that they have had training in these areas, when the research shows that, in most instances, this has been very limited.

The justice system in most jurisdictions of North Carolina performs well, but not with maximum efficiency because of the difficulty that comes with the culture of the institution and, in some measure, due to a lack of leadership and management training for the public service lawyers and judges of the North Carolina justice system even though the participants toil mightily as they do their best in the search for justice. The leadership and management skills that were identified in this study as important are skills that can be learned with training. The next step should be a dissection of existing training models from a broad range of sources with the view that a leadership and management training regime can be created for specified personnel within the North Carolina Justice System. The study has answered the question regarding whether there is a need for leadership and management training for the public service lawyers and judges who lead the North Carolina Justice System. The next steps will be to answer the question of what should specifically comprise this training and in what forms it should take. A commitment to institute a formal leadership and training management regime for the public service lawyers and judges of the North Carolina justice system is vital to the effective and efficient pursuit of justice in this state, the leaders of this complex system have told us so!
Bibliography for Leadership and Management Training In the North Carolina Courts

BOOKS:


**PERIODICAL/JOURNAL MATERIALS:**


Mentkowski, Marcia, Georgine Loacker, and Kathleen O’Brien. “Ability-Based Learning and Judicial Education: An Approach to Ongoing Professional


INTERVIEWS:

Dr. Maureen E. Connor, Associate Professor and Director, Judicial Administration Program, Michigan State University, conducted on July 11, 2013 and March 10, 2014.

James C. Drennan, Professor of Public Law and Government, University of North Carolina, School of Government, conducted on June 17, 2014.

Dr. Willow S. Jacobson, Associate Professor of Public Administration and Government, University of North Carolina, School of Government, conducted on multiple occasions over an extended time period between June, 2013 and March, 2014.

Dr. Sharon R. Paynter, Assistant Professor, Department of Political Science, East Carolina University, conducted on multiple occasions over an extended between June, 2013 and March, 2014.

Ms. Missy Makanui, Senior Manager for Leadership Development, SAS Institute, conducted on June 28, 2013.

APPENDICES
Appendix A: North Carolina Judicial District Leadership and Management Survey Questions

SECTION ONE: PERSONAL CHARACTERISTICS
What position in the justice system do you currently occupy?

- [ ] Senior Resident Superior Court Judge (1)
- [ ] Resident Superior Court Judge (2)
- [ ] Special Superior Court Judge (3)
- [ ] Chief District Court Judge (4)
- [ ] District Court Judge (5)
- [ ] District Attorney (6)
- [ ] Public Defender (7)
- [ ] Other—please specify: (9) ____________________

How long have you served in your current role?

Have you held other positions in the justice system (such as Assistant District Attorney/Assistant Public Defender/Clerk of Court)?

- [ ] Yes
- [ ] No

If No Is Selected, Then Skip To What is your gender?
What previous positions in the justice system have you held? (check all that apply)

- Senior Resident Superior Court Judge
- Resident Superior Court Judge
- Special Superior Court Judge
- Chief District Court Judge
- District Court Judge
- District Attorney
- Assistant District Attorney
- Public Defender
- Assistant Public Defender
- Trial Court Administrator
- Clerk of Court
- Other—please specify: ____________________
What is your gender?

- Male
- Female

What is your age?

- 25 or less
- 26-35
- 36-45
- 46-55
- 56-65
- 66 or older

I anticipate leaving the judicial system (such as for retirement or other employment opportunities) within the next:

- 2 years or less
- 3-5 years
- 6-9 years
- 10 years or more

What percentage of your week do you spend on administrative and/or management tasks?

In your role you must balance legal practice and management. This question asks you to gauge your feelings on what you prioritize in your work. Please indicate where on the continuum best represents your primary activities.

<table>
<thead>
<tr>
<th>Deciding/trying cases: Improving court efficiency</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
</table>
Please indicate your level of agreement with each statement.

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meaningful public service is very important to me.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I am often reminded by daily events about how dependent we are on one another.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Making a difference in society means more to me than personal achievements.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I am not afraid to go to bat for the rights of others even if it means I will be ridiculed.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The give and take of public policy making does not appeal to me.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Please rank order (by moving the statements) what you believe most represents your views (1 being high):

_____ My focus is on justice for my individual clients/cases

_____ I want to be seen as a leader that makes justice better throughout the system

_____ My focus is on ensuring equal justice for all.

_____ Carrying out the task of implementing the law effectively is my priority

SECTION TWO: KNOWLEDGE AND SKILLS
What are the top three leadership challenges you face in your position?

Challenge one:

_________________________________________________________________

Challenge two:

_________________________________________________________________

Challenge three:

_________________________________________________________________
Please indicate the extent to which you agree with the following statement:

I have the skills needed to respond to the leadership challenges I face.

□ Strongly disagree
□ Disagree
□ Neither Agree nor Disagree
□ Agree
□ Strongly Agree

What additional skills, if any do you believe you need to better respond to the leadership challenges you face?

What are the top three management challenges you face in your position?

<table>
<thead>
<tr>
<th>Challenge one:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Challenge two:</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Challenge three:</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
Please indicate the extent to which you agree with the following statement:

I have the skills needed to respond to the management challenges I face.

- Strongly disagree
- Disagree
- Neither Agree nor Disagree
- Agree
- Strongly Agree

What additional skills, if any do you believe you need to better respond to the management challenges you face?

How important are leadership skills for individuals in the judicial system?

- Very Important
- Important
- Neither Important nor Unimportant
- Unimportant
- Not at all Important
How important are management skills for individuals in the judicial systems?

- Very important
- Important
- Neither Important not Unimportant
- Unimportant
- Not at all Important

**SECTION THREE: PREVIOUS TRAINING**

Have you received leadership training during your career?

- Yes
- No

If No Is Selected, Then Skip To Have you received management training...
Please use the following definitions

Efficiency – the relationship between resources used and results or services produced

Effectiveness – quality of results or services generated as related to achievement of program objectives

How much do you believe that leadership training has impacted your ability to contribute positively to the justice system?

<table>
<thead>
<tr>
<th>Impact on your ability to contribute positively</th>
<th>None</th>
<th>Little</th>
<th>Some</th>
<th>A Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>to the efficiency the justice system</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to the effectiveness the justice system</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>positively the justice system over all</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please explain the impact you believe it had.

Have you received management training during your career?

☐ Yes

☐ No

If No Is Selected, Then Skip To Do you believe that specifically...
How much do you believe that management training has impacted your ability to contribute positively to the justice system?

<table>
<thead>
<tr>
<th>Impact on your ability to contribute positively to the justice system</th>
<th>None</th>
<th>Little</th>
<th>Some</th>
<th>A Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact on your ability to contribute positively to the efficiency the justice system</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact on your ability to contribute positively to the effectiveness the justice system</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact on your ability to contribute positively the justice system over all</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Please explain why the impact you believe it had had.

Do you believe that specifically designed leadership and/or management training should be included in the training programs presently offered to trial Judges, Prosecutors, and Public Defenders?

<table>
<thead>
<tr>
<th></th>
<th>Leadership</th>
<th>Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judge</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>District Attorney</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Public Defender</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Court Administrative Personnel</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Leadership training would benefit my judicial district

- None
- Little
- Some
- A Lot

Management training would benefit my judicial district

- None
- Little
- Some
- A Lot
Please indicate the extent to which you agree with the following statement:

I would describe myself as a leader in my judicial district

- [ ] Strongly disagree
- [ ] Disagree
- [ ] Neither Agree nor Disagree
- [ ] Agree
- [ ] Strongly Agree

**SECTION FOUR: DESIRED TRAINING**

Please consider the areas listed below. Rate your interest in training for each topic.

Leadership

<table>
<thead>
<tr>
<th>Topic</th>
<th>Very High</th>
<th>High</th>
<th>Moderate</th>
<th>Low</th>
<th>Very Low</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discovering and applying your leadership style</td>
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<tr>
<td>Developing flexible/appropriate leadership styles</td>
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<tr>
<td>Developing teamwork among employees</td>
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<tr>
<td>Implementing organizational change</td>
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<td>Influence without authority (dealing effectively with peers)</td>
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<td>Diversity as a workplace issue</td>
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<td>Establishing a vision</td>
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<td>Developing a positive culture</td>
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<td>Creating collaborative working relationships</td>
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<tr>
<td>Motivation</td>
<td>Very High</td>
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<td>Moderate</td>
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<td>Discovering and working with different employee styles</td>
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<td>Ways to improve work climate</td>
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<td>Discovering alternative reward systems</td>
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<td>Preventing employee burnout</td>
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<td>Other, please specify</td>
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<tr>
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<td>Coaching and counseling employees</td>
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<td>Training new employees (work procedures)</td>
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<td>Delegation</td>
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<td>How to be a mentor</td>
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<td>Effective listening skills</td>
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<td>Giving and receiving constructive criticism</td>
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<td>Dealing with difficult personalities</td>
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<td>Conflict management techniques</td>
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<tr>
<td>Working effectively with boards and committees</td>
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<td>Media relations</td>
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<td>Using effective problem solving methods</td>
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<tr>
<td>Employing group decision making techniques</td>
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<tr>
<td>Systems and process analysis (looking at what you do, how you do it, and ways to improve it)</td>
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Please provide any additional thought you have regarding leadership and management skills and/or training for the judicial system.
### Table 1A. Motivation Training Needs

<table>
<thead>
<tr>
<th></th>
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<th>Very Low</th>
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<tbody>
<tr>
<td>Discovering and working with different employee styles</td>
<td>23.3</td>
<td>37.4</td>
<td>28.8</td>
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<td>3.7</td>
<td>163</td>
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<td>Ways to improve work climate</td>
<td>20.9</td>
<td>52.8</td>
<td>18.4</td>
<td>4.9</td>
<td>3.1</td>
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<td>Increasing employee morale/motivation</td>
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<td>41.1</td>
<td>20.2</td>
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<td>3.7</td>
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<tr>
<td>Discovering alternative reward systems</td>
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<td>33.5</td>
<td>31.1</td>
<td>8.5</td>
<td>5.5</td>
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<td>Preventing burnout</td>
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<td>22.1</td>
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### Table 2A. Employee Development Training Needs

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<th>Very Low</th>
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</thead>
<tbody>
<tr>
<td>Coaching and counseling employees</td>
<td>18.3</td>
<td>32.3</td>
<td>36.0</td>
<td>7.9</td>
<td>5.5</td>
<td>164</td>
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<tr>
<td>Training new employees (work procedures)</td>
<td>19.4</td>
<td>34.5</td>
<td>31.5</td>
<td>7.9</td>
<td>6.7</td>
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<tr>
<td>Delegation</td>
<td>16.0</td>
<td>39.9</td>
<td>32.5</td>
<td>6.7</td>
<td>4.9</td>
<td>163</td>
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<tr>
<td>How to be a mentor</td>
<td>20.9</td>
<td>36.8</td>
<td>30.1</td>
<td>6.1</td>
<td>6.1</td>
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### Table 3A. Communication Training Needs

<table>
<thead>
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<th>Skill</th>
<th>Very High</th>
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<th>Low</th>
<th>Very Low</th>
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</thead>
<tbody>
<tr>
<td>Effective listening skills</td>
<td>39.4</td>
<td>30.3</td>
<td>18.2</td>
<td>9.1</td>
<td>3.0</td>
<td>165</td>
</tr>
<tr>
<td>Giving and receiving constructive criticism</td>
<td>35.0</td>
<td>38.0</td>
<td>20.2</td>
<td>4.3</td>
<td>2.5</td>
<td>163</td>
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<tr>
<td>Dealing with difficult personalities</td>
<td>38.0</td>
<td>36.7</td>
<td>17.5</td>
<td>6.0</td>
<td>1.8</td>
<td>166</td>
</tr>
<tr>
<td>Conflict management techniques</td>
<td>37.3</td>
<td>32.5</td>
<td>22.3</td>
<td>5.4</td>
<td>2.4</td>
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<td>Working effectively with boards and committees</td>
<td>24.2</td>
<td>23.0</td>
<td>37.0</td>
<td>11.5</td>
<td>4.2</td>
<td>165</td>
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<td>Media relations</td>
<td>22.7</td>
<td>22.7</td>
<td>33.7</td>
<td>14.1</td>
<td>6.7</td>
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### Table 4A. Problem Solving Training Needs

<table>
<thead>
<tr>
<th>Skill</th>
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<th>Moderate</th>
<th>Low</th>
<th>Very Low</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determining the &quot;root causes&quot; of problems</td>
<td>27.5</td>
<td>41.9</td>
<td>21.0</td>
<td>7.2</td>
<td>2.4</td>
<td>167</td>
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<tr>
<td>Using effective problem solving methods</td>
<td>31.3</td>
<td>44.6</td>
<td>16.3</td>
<td>5.4</td>
<td>2.4</td>
<td>166</td>
</tr>
<tr>
<td>Employing group decision making techniques</td>
<td>17.4</td>
<td>29.3</td>
<td>36.5</td>
<td>10.2</td>
<td>6.6</td>
<td>167</td>
</tr>
<tr>
<td>Systems and process analysis (looking at what...)</td>
<td>32.5</td>
<td>38.0</td>
<td>21.7</td>
<td>5.4</td>
<td>2.4</td>
<td>166</td>
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</tbody>
</table>
you do, how you do it, and ways to improve it)

Appendix C: Example of Public Sector Leadership Programs Offered by Academic Institutions Nationally*

<table>
<thead>
<tr>
<th>Program</th>
<th>Provider</th>
<th>Duration</th>
<th>Cost</th>
<th>Cost-Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Executive Institute (SEI)</td>
<td>Weldon Cooper Center for Public Service, UVA</td>
<td>2 weeks, offered once a year; also offer condensed &quot;one week&quot; version with ICMA</td>
<td>$6,500</td>
<td>Includes lodging and meals and instructional materials. 10% discount for members of the Virginia Institute of Government</td>
</tr>
<tr>
<td>Leading, Educating and Developing Program (LEAD)</td>
<td>Weldon Cooper Center for Public Service, UVA</td>
<td>1 week; offered several times a year</td>
<td>$3,500</td>
<td>10% discount for members of the Virginia Institute of Government</td>
</tr>
<tr>
<td>Management and Leadership Institute (MLI)</td>
<td>Bob Ramsey Executive Education Program, Arizona State University</td>
<td>8 full sessions over unstated amount of time</td>
<td>$300 per seminar; $1800 for certificate</td>
<td>Offer a variety of seminars; obtain certificate once you have attended 6</td>
</tr>
<tr>
<td>Program</td>
<td>Institution</td>
<td>Modules/Hours</td>
<td>Cost</td>
<td>Course Fee</td>
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<tr>
<td>Certified Public Manager Program</td>
<td>Bob Ramsey, Executive Education Program, Arizona State University</td>
<td>24 modules spread over 4 sections; completed over the course of a year (5 different start dates)</td>
<td>$3,150</td>
<td>$630 per course; Required 5 courses</td>
</tr>
<tr>
<td>Colorado Certified Public Manager Program (CPM)</td>
<td>School of Public Affairs, University of Colorado-Denver</td>
<td>12 course modules of ~25 hours spread out over one year; participants may begin at any module and have up to three years to complete program</td>
<td>$3,600</td>
<td>$300 per course; 12 required courses</td>
</tr>
<tr>
<td>Denver Community Leadership Forum (DCLF)</td>
<td>School of Public Affairs, University of Colorado-Denver</td>
<td>11 monthly sessions, plus one week long outdoor learning experience</td>
<td>$4,300</td>
<td>Includes instruction, materials, and most meals.</td>
</tr>
<tr>
<td>Rocky Mountain Program</td>
<td>School of Public Affairs, University of Colorado-Denver</td>
<td>8 day residential program (offered twice a year)</td>
<td>$3,750</td>
<td>Includes instruction, materials, and most meals</td>
</tr>
<tr>
<td>Program</td>
<td>Center for Excellence in Public Service, George Washington University</td>
<td>Formats</td>
<td>Cost</td>
<td>Notes</td>
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<tr>
<td>Senior Leader Program</td>
<td>Two formats: two week residential program, or four weeks of Thursday/Friday classes and one two day residential Thursday/Friday</td>
<td>$6,750</td>
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<tr>
<td>Management Development Program</td>
<td>Governor's Center for Management Development, LBJ School of Public Affairs, UT-Austin</td>
<td>3 days</td>
<td>$675 for Austin and $725 for Regional classes</td>
<td>Includes program materials and breaks but not lodging or meals</td>
</tr>
<tr>
<td>Excellence in Leadership Series</td>
<td>Governor's Center for Management Development, LBJ School of Public Affairs, UT-Austin</td>
<td>Series of 2 day leadership courses offered throughout the year; 9 courses total</td>
<td>$575 per two-day class</td>
<td>Does not include lodging or meals</td>
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<tr>
<td>Organizational Development Series</td>
<td>Governor's Center for Management Development, LBJ School of Public Affairs, UT-Austin</td>
<td>Two day $850</td>
<td>Per two-day class; Does not include lodging or meals</td>
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<tr>
<td>Program</td>
<td>Location</td>
<td>Duration</td>
<td>Fee</td>
<td>Description</td>
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<tr>
<td>Senior Management Program</td>
<td>Governor's Center for Management Development</td>
<td>8 days; one five day session followed by one three day session</td>
<td>$1,950</td>
<td>8-day course; includes materials, breaks, and assessment instrument and does not include lodging or meals</td>
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<tr>
<td></td>
<td>LBJ School of Public Affairs, UT-Austin</td>
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<tr>
<td>Governor's Executive Development Program</td>
<td>Governor's Center for Management Development</td>
<td>3 weeks; conducted as three one week sessions over a period of 4 months</td>
<td>$4,700 when paid by certain date, and then increases to $5,200</td>
<td>Includes program-related costs, assessment instruments, instructional materials, most breakfasts and lunches, and some networking events</td>
</tr>
<tr>
<td></td>
<td>LBJ School of Public Affairs, UT-Austin</td>
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<tr>
<td>Program</td>
<td>Institution</td>
<td>Duration</td>
<td>Fee</td>
<td>Description</td>
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<tr>
<td>Contract Management in Government: Effective Practices in Implementing</td>
<td>Governor's Center for Management Development, LBJ School of Public Affairs, UT-Austin</td>
<td>Six days; two three day session over two months. Also includes 4-5 hour online portion to be completed before first session</td>
<td>$1,150</td>
<td>Includes program materials and breaks but not lodging or meals</td>
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<tr>
<td>State Government Contracts</td>
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<tr>
<td>Certified Public Manager Program</td>
<td>Arkansas Public Administration Consortium University of Arkansas at Little Rock</td>
<td>24 days of instruction over a year; primarily two day sessions</td>
<td>$200 per course</td>
<td>Includes course materials but not lunch.</td>
</tr>
<tr>
<td>Certified Volunteer Manager Program</td>
<td>Arkansas Public Administration Consortium University of Arkansas at Little Rock</td>
<td>Six two day sessions from September to March</td>
<td>$800</td>
<td>All six sessions included</td>
</tr>
<tr>
<td>Management Development Program for Local Government</td>
<td>Carl Vinson Institute of Government, University of Georgia</td>
<td>Section 1: 8 days over two months; Section 2: 7 days over two months; Section 3: 9 days over four months</td>
<td>$1,700</td>
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<tr>
<td>Program</td>
<td>School</td>
<td>Type</td>
<td>Fee</td>
<td>Inclusions</td>
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<tr>
<td>Driving government Performance:</td>
<td>Kennedy School Executive Program, Kennedy School of Government, Harvard University</td>
<td>5 day residential</td>
<td>$7,200</td>
<td>Tuition, housing, curricular materials, and most meals</td>
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<td>Leadership strategies that Produce results</td>
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<tr>
<td>Leadership for the 21st Century:</td>
<td>Kennedy School Executive Program, Kennedy School of Government, Harvard University</td>
<td>5 day residential</td>
<td>$6,900</td>
<td>Tuition, housing, curricular materials, and most meals</td>
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<tr>
<td>Global Change Agents</td>
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<tr>
<td>Leadership Decision Making:</td>
<td>Kennedy School Executive Program, Kennedy School of Government, Harvard University</td>
<td>5 day residential</td>
<td>$6,900 for June session and $7,200 for November session</td>
<td>Tuition, housing, curricular materials, and most meals</td>
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<tr>
<td>Optimizing Organizational Performance</td>
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<tr>
<td>Creating Collaborative Solutions:</td>
<td>Kennedy School Executive Program, Kennedy School of Government, Harvard University</td>
<td>5 day residential</td>
<td>$7,200</td>
<td>Tuition, housing, curricular materials, and most meals</td>
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<tr>
<td>Program</td>
<td>Institution</td>
<td>Duration</td>
<td>Cost</td>
<td>Included</td>
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<tr>
<td><strong>Senior Executive Fellows</strong></td>
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<td></td>
<td>Kennedy School of Government,</td>
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<td>materials, and most meals</td>
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<td>Harvard University</td>
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<tr>
<td><strong>Senior Executives in State and Local Government</strong></td>
<td>Kennedy School Executive Program,</td>
<td>3 week</td>
<td>$11,950</td>
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<td></td>
<td>Kennedy School of Government,</td>
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<td>Tuition, housing, curricular</td>
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<td>Harvard University</td>
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<td><strong>Leadership for the 21st Century: Chaos, Conflict and Courage</strong></td>
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<td>Kennedy School of Government,</td>
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<td>$7,200 for</td>
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*This list was comprised and provided by staff at the University of North Carolina, School of Government*
Appendix D: Acknowledgements

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