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On Leadership for “the Every Judge”

Samuel A. Thumma

To effectively run a courtroom, the judge needs to be in charge. Perhaps because of that, judges are classically viewed as leaders. That view, in turn, frequently places judges in leadership for various outside-of-the-courtroom endeavors, both within and outside of the court system. But the best leadership styles for these various settings can be quite different. Judicial leadership that works well in running a courtroom may fail miserably outside of the courtroom. That is true in off-the-bench efforts both inside and outside of the court system.

This article focuses on leadership styles for “the every judge.” The judge who volunteers or is asked or tasked or “voluntold” to serve on a task force, work group, committee or other common effort within or outside of the court, inside or outside of the law, in a named leadership capacity or otherwise.

The suggestions offered provide no one-size fits all solution. Far from it. What may work best is context specific, influenced by numerous factors including the personalities involved, the history, structure, culture, and constraints of the effort, and individual and common goals. Given these almost infinite variables, this article offers a variety of alternatives to consider. In doing so, I claim no unique expertise or robust training on the topic. But I have, over the years, become a student of such alternatives and, just as importantly, by trying to learn from my own mistakes. I am a big believer that sharing the “lessons learned” of what NOT to try can, at times, be far more valuable than offering advice on what to do. So, there is a healthy dose of that involved here as well.

This article began when I was asked to contribute to the *Court Review*, which I was honored to receive. That ask came in the pre-COVID 19 world. That virus changed everything. As we now contemplate what the “new normal” will be, COVID 19 has reinforced that my heroes are health care providers, hospice and assisted-living workers, case workers, and others who help the neediest every day. And this virus vividly reminds me that trial judges are my heroes. Every day, trial courts are doing incredible things to administer justice and serve the public in the face of personal peril. It is incredible and a great credit to them all.

This article, however, does not attempt to capture that heroism. Not at all, and with the greatest respect. That is being done, and will be done, far more ably by others. Instead, this article supplements the others in this edition with some thoughts on leadership for the every judge, that is all of us judicial officers, in our activities outside of the courtroom.

The article first discusses why a judge’s skills in running a courtroom do not necessarily translate to out-of-court leadership skills and that, instead, those roles differ significantly. The article then discusses how judges are called to serve as leaders. The arti-

cle follows with a brief overview of some leadership styles, recognizing there is no “one size fits all” style. Next, the article offers some suggestions about how a judge can identify leadership styles that work for that judge. Seeking to offer practical tools, the article then does a deep dive into one style, called servant leadership, to provide examples of what a judge might do in outside-of-the-courtroom activities.

The hope is to provide some context and structure for judges to more intentionally do what they do instinctively every day. By being more intentional in doing so, judges can be even more successful in their undertakings. And by doing so, judges can even more richly deserve the classical view as being leaders.

COURTROOM ≠ COURTHOUSE COMMITTEE ≠ COMMUNITY COMMITTEE

On the bench, a judge properly controls the discussion and has the last word. It is, in every real sense, the judge’s courtroom and the buck stops with the judge. Any other approach would lead to chaos, confusion, uncertainty, delay, and a whole bunch of other undesirables.

But a task force, work group, committee, or other common effort, either within or outside of the court, is not a courtroom. Those different settings suggest, and likely mandate, a different approach than what a judge does in the courtroom. That is true when comparing courtroom control with leadership off the bench, and it also is true when comparing off-the-bench activities within and outside of the court.

Some examples, starting with off-the-bench activities within the court, show that context really matters.

For example, will a leadership approach that works well for a bench meeting of peer judges work equally well in a meeting of non-judge court personnel in addressing a human resource issue? How about when a judge serves on an internal study group involving court personnel who are supervised by the judge or his or her peer judges? Or when tackling an issue where the brunt of any change will be felt most acutely by court employees who are not judges? Or when addressing an issue, such as technology, where the judge lacks firsthand knowledge or experience of what can and cannot work?¹

The proposition that the exact same leadership style would work equally well in these different settings is ridiculous. As is the thought that the same style that works well to run a courtroom would work well in these settings.

Footnotes

1. Samuel A. Thumma & Sarah Beene, *The Judge as Servant Leader*, JUDGES’ J., Winter 2015, at 9.

Let me also suggest that a judge's activities outside of the court present issues different than presiding over a courtroom or off-the-bench activities within the court. Start with an example of when a judge deals with the legislature or governor on appropriations. A judge using good courtroom management skills, or good skills in running an off-the-bench meeting within the court, would fail miserably in such efforts. Similarly, a judge chairing or serving on a bar association committee, where input and buy in for a change is essential, will want to account for those needs. And context should influence the leadership approaches a judge uses when volunteering with Rotary, the Red Cross, a school, or any one of thousands of other community-based organizations that judges serve.

But why this focus on context? What's the point? The point is to account for and use an approach that gets the most input, the best ideas and the highest possibility of buy in to make the best decisions in the time allowed. A far-fetched hypothetical proves this point.

A judge conducting or participating in an out-of-court meeting can, by using a courtroom management approach, have a very, very quick meeting that, in one respect, is quite efficient and definitive. Such an approach could go something like this:

JUDGE: We are here for the first meeting of the Committee on Changing the Rules. I again looked at my proposal, the only proposal that anyone has submitted. I think it will work great, will fix the issue I identified and cannot imagine how we could improve it. Unless anyone else can improve it now, I will deem it approved by this Committee and I can get back to my chambers to eat lunch. Any discussion?

DEAFENING, UNCOMFORTABLE SILENCE (by other Committee members).

JUDGE: Alright. It's approved. Great meeting. We're adjourned.

This two-minute meeting could be perceived as wildly efficient and decisive. But what deliberative process does the outcome reflect? How has the decision benefited from the full and active participation by all? What candid and frank discussion of issues, suggestions, and solutions has both tempered and strengthened the result? And what buy-in by committee members has this process encouraged? Not so much on any of these fronts.

In an out-of-court setting, judges need to remember that “[a]n obstacle to such full and active participation can be deference—perhaps, gasp, undue deference—to the judge's perspective. Such deference to a judge is necessary and appropriate while in court. Outside of the courtroom, however, such deference may inhibit a full and frank discussion of issues, concerns, suggestions, solutions, and resolutions.”² Keeping that in mind is essential to off-

the-bench leadership for the every judge, particularly when answering the judicial call to action.

THE JUDICIAL CALL TO ACTION

Judicial involvement outside of the courtroom has ebbed and flowed over the decades, ranging from active participant to monastic recluse. Some judges are more interested in these activities based on their own stage in life, personal preference, and other things, which is fair enough. In addition, ethical restrictions limit certain activities and those restrictions must always be kept in mind. But the current ethical standards for both federal and many state judicial officers are a call to action, encouraging judicial involvement in outside-of-the-courtroom activities.

The current Model Code of Judicial Conduct, promulgated by the American Bar Association and providing guidance for many state judges, actively encourages extrajudicial activities, both law-related and otherwise. Under the Model Code, “[a] judge may engage in extrajudicial activities, except as prohibited by law or this Code.”³ The Code of Conduct for United States Judges similarly provides that “[a] judge may engage in extrajudicial activities, including law-related pursuits and civic, charitable, educational, religious, social, financial, fiduciary, and governmental activities, and may speak, write, lecture, and teach on both law-related and nonlegal subjects.”⁴

There are, of course, limits to such activities.⁵ But the Federal Code notes the perils of the monastic recluse approach: “Complete separation of a judge from extrajudicial activities is neither possible nor wise; a judge should not become isolated from the society in which the judge lives.”⁶ And comments to both Codes encourage judges to be good citizens by engaging in appropriate extrajudicial activities of all kinds:

To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law.

Participation in both law-related and other extrajudicial activities helps integrate judges into their communities, and furthers public understanding of and respect for courts and the judicial system.⁷

“[C]ontext should influence the leadership approaches a judge uses...”

2. Thumma & Beene, *supra* n. 1, at 10.
3. ABA Model Code of Judicial Conduct, Rule 3.1.
4. Code of Conduct for United States Judges, Canon 4.
5. See, e.g., Margaret H. Downie & Samuel A. Thumma, *Off the Bench: Ethical Issues to Consider When Judges Interact with Attorneys and Others Outside the Courtroom*, JUDGES' J., Spring 2018, at 8 (dis-

cussing limitations under the Model Code); Code of Conduct for United States Judges, Canon 4.
6. Code of Conduct for United States Judges, Canon 4, Commentary Canon 4.
7. ABA Model Code of Judicial Conduct, Rule 3.1 cmts. [1] & [2] (citation omitted); *accord* Code of Conduct for United States Judges, Canon 4, Commentary Canon 4.

“[W]hat approaches are there for judges to use to help flesh out that brilliant idea by a committee member ...?”

Simply put, there is a clear call to action for judges to participate in extrajudicial activities, both within the law and otherwise.

Given this call to action, and recognizing leadership in the courtroom is quite different than leadership off the bench, what approaches are there for judges to use to help flesh out that brilliant idea by a committee member, who may be uncomfortable, intimidated,

and reluctant to speak up? I’m glad you asked; there are many.

LEADERSHIP STYLES⁸

A. There Is No “One Size Fits All” Leadership Style

The best leadership approach for a given situation turns on a lot of variables. Comprehensively capturing those approaches seems impossible. “There are as many approaches to leadership as there are people. Leadership styles range widely, from dictatorial to collaborative, autocratic to autonomous, micro-managing to laissez faire, hierarchical to co-equal.”⁹ The first thing to remember is there is no one single or perfect approach to leadership and no one approach or style that works well in all settings.

The second thing to remember is that, to be successful, a judge needs to be comfortable with the leadership styles they use. Someone who is naturally a consensus builder likely would not feel comfortable using a formal “discuss for 5 minutes, take a vote and move on” approach. And the opposite is true as well. Determining what leadership approaches will work best for an individual absolutely is a personal thing. The important thing to remember, however, is there are alternatives. Learning about those alternatives allows a judge to make an informed decision about what might work best for her or him.

The third thing to remember, as noted above, is that “[l]eadership styles are also extremely context-dependent.”¹⁰ Good courtroom management skills do not equal good off-the-bench leadership skills within the court or outside of the court. “[D]etermining what leadership approach is best for a judge outside of the courtroom depends heavily on context, taking into account things such as the personalities involved, the organizational structure and culture, time and other constraints, the his-

tory of the individuals and organizations involved, and an assessment of both individual and common goals.”¹¹ Remembering that there is no one size that fits all is a great start. And it is important to keep in mind that approaches, personal comfort, and context will help guide what leadership approaches may be most effective.

B. Different Leadership Styles

There are countless studies and articles on leadership styles. Not surprisingly, the Internet is inundated with such things. In October 2019, Bruna Martinuzzi, a leadership coach who also writes for *American Express® Business Trends and Insights*, published *The 7 Most Common Leadership Styles (and How to Find Your Own)*.¹² Martinuzzi starts with the observation that “each leadership style has its place in a leader’s toolkit. The wise leader knows to flex from one style to another as the situation demands.”¹³ Noting “[l]eadership styles are on a continuum, ranging from autocratic at one end, to laissez-faire at the other, with a variety of styles in between,” Martinuzzi then lists and briefly explains the seven leadership styles, ranging from autocratic (“Do as I say.”) to laissez-faire style (“at the opposite end of the autocratic style”).¹⁴

There are, of course, different ways to categorize leadership styles. A piece from earlier this year on Indeed.com, titled *10 Common Leadership Styles*, is more granular, discussing ten “common leadership styles:” (1) coach; (2) visionary; (3) servant (addressed in more detail below); (4) autocratic; (5) laissez-faire or hands off; (6) democratic; (7) pacesetter; (8) transformational; (9) transactional; and (10) bureaucratic.¹⁵ There is overlap and both similarities and differences in these descriptions, and leadership styles can be described in an almost infinite number of ways.¹⁶ But these and countless other articles provide a good overview of some different styles and merit careful consideration.

C. Identifying Leadership Style(s) That May Work for You

“Knowing which of the leadership styles works best for you is part of being a good leader. Developing a signature style with the ability to stretch into other styles as the situation warrants may help enhance your leadership effectiveness.”¹⁷ How, then, to do so?

Martinuzzi suggests four steps, which make a lot of sense for judges to consider: (1) know yourself (or at least know what you are, and are not, comfortable with); (2) know something about

8. The discussion that follows relies heavily on Thumma & Beene, *supra* n. 1, amplified by five additional years of mistakes and experience on my part.

9. *Id.*

10. *Id.*

11. *Id.*

12. Bruna Martinuzzi, *The 7 Most Common Leadership Styles (and How to Find Your Own)*, <https://www.americanexpress.com/en-us/business/trends-and-insights/articles/the-7-most-common-leadership-styles-and-how-to-find-your-own/> (last visited April 11, 2020).

13. *Id.*

14. *Id.*

15. *10 Common Leadership Styles*, <https://www.indeed.com/career->

[advice/career-development/10-common-leadership-styles](https://www.indeed.com/career-development/10-common-leadership-styles).

16. See, e.g., Erin “Folletto” Casali, *The Six Styles of Leadership* (described as (1) visionary; (2) coaching; (3) affiliative; (4) democratic; (5) pacesetter; and (6) commanding), <https://intenseminimalism.com/2015/the-six-styles-of-leadership/>. At some point, the variations become almost infinite. Several articles described just three or four leadership styles, while the largest number found was 27, consisting of 14 common leadership styles and “13 celebrity leadership models.” Miles Anthony Smith, *Can You Guess the 27 Most Popular Leadership Styles?*, <https://www.initiativeone.com/insights/blog/different-leadership-style/>.

17. Martinuzzi, *supra* n. 12.

different leadership styles; (3) practice different leadership styles that seem like they might work for you, both to see what works (and what doesn't) and, for what does work, to develop and refine those skills; and (4) develop "leadership agility," that is, being able to combine different aspects of leadership styles and move from one style to another to account for context.¹⁸ Martinuzzi concludes with sage advice: "As the Chinese proverb goes, the wise adapt themselves to circumstances, as water molds itself to the pitcher. An agile leadership style may be the ultimate leadership style required for leading today's talent."¹⁹

A DEEPER DIVE INTO ONE LEADERSHIP STYLE

After recognizing there is no one-size fits all leadership style, answering the judicial call to action, learning about different leaderships styles, and identifying some that might work, what's next for the every judge that wants to refine his or her leadership skills? Let me suggest, as a next step, a deeper dive into leadership styles that look promising. Let's do so here, focusing on one leadership style sometimes referred to as servant leadership.

When in private practice many years ago, I participated in a program called Valley Leadership.²⁰ It brought together several dozen individuals in the private, public, and nonprofit sectors, one day a month for ten months, to learn about a lot of things, including enhancing leadership skills. One of the programs included a presentation about Servant Leadership that really got my attention. Although the leadership style is described in various ways, one way is that:

Servant leaders live by a people-first mindset and believe that when team members feel personally and professionally fulfilled, they're more effective and more likely to produce great work regularly. Because of their emphasis on employee satisfaction and collaboration, they tend to achieve higher levels of respect. A servant leader is an excellent leadership style for organizations of any industry and size but is especially prevalent within nonprofits. These types of leaders are exceptionally skilled in build-

ing employee morale and helping people re-engage with their work.

Example: A product manager hosts monthly one-on-one coffee meetings with everyone that has concerns, questions or thoughts about improving or using the product. This time is meant for her to address the needs of and help those who are using the product in any capacity.²¹

"Servant leaders live by a people-first mindset ..."

Valley Leadership exposed me to an essay *The Servant as Leader*, written by Robert K. Greenleaf in 1970.²² Greenleaf worked in management research at AT&T, and taught at some fancy schools (Harvard, MIT, and Dartmouth) and, after he retired, started what became the Greenleaf Center for Servant Leadership.²³

The essay is short and worth reading. Greenleaf, in describing this servant leadership style, wrote:

[a] servant-leader focuses primarily on the growth and well-being of people and the communities to which they belong. While traditional leadership generally involves the accumulation and exercise of power by one at the "top of the pyramid," servant leadership is different. The servant-leader shares power, puts the needs of others first and helps people develop and perform as highly as possible.²⁴

In the years that followed, I tried to apply the servant leadership style in some of my endeavors and, particularly in some non-profit activities, it seemed to be well received.²⁵

After I became a judge, the servant leadership model seemed particularly well-suited for me and some of my outside-of-the-courtroom activities.²⁶ So, having become a student and a bit of a fan of the servant leadership style in some different contexts, let's turn to some tactical ways this leadership style might work for the every judge in his or her extrajudicial activities.

18. *Id.*

19. *Id.* And apropos for these times, Martinuzzi provides links to other leadership and management articles, including on how to manage remotely.

20. See <https://www.valleyleadership.org/>. There are similar programs in many cities. See, e.g., <https://denverleadership.org/leadership-denver/> (Denver, Colorado); <https://lgcchicago.org/> (Chicago, Illinois); <https://lgwdc.org/> (Washington, D.C.); <https://www.leadershipatlanta.org/> (Atlanta, Georgia); <https://www.boisechamber.org/leadershipboise.html> (Boise, Idaho); <https://www.cedarrapids.org/business-resources/programs-and-networking/leadership> (Cedar Rapids, Iowa).

21. *Leadership Styles*, *supra* n. 15.

22. ROBERT K. GREENLEAF, *THE SERVANT AS LEADER* 59 (rev. ed. 2008) ("About the Author"). Greenleaf attributed his servant-leadership idea to reading HERMAN HESSE'S *JOURNEY TO THE EAST* (1932), a story about a mythical journey where an apparent servant is shown to be the leader of the group. Greenleaf, at 9.

23. Greenleaf, *supra* n. 22.

24. See *What Is Servant Leadership?*, Greenleaf Ctr. for Servant Leadership, <https://greenleaf.org/what-is-servant-leadership>.

25. Focusing on court management, successful nonprofit strategies often have more application to court management than do successful for-profit strategies. See generally, Samuel A. Thumma & Meredith Marshburn, *Applying Successful Nonprofit Management Principles in the Courts*, JUDGES' J., Spring 2016, at 32. Although beyond the scope of this article, leadership styles that work well in non-profits similarly may provide a good reference for judges looking for leadership styles to apply in their extrajudicial service.

26. Alameda County California Superior Court Judge David Matthew Krashna presented a thoughtful program on Judicial Servant Leadership in September 2012 at a National Judicial College Theory and Practice of Judicial Leadership Program, including a PowerPoint presentation titled Theory and Practice of Judicial Servant Leadership. There were not, however, any published articles applying the style to judges. This exposure to the style, and Judge Krashna's thoughtful presentation, motivated me to co-author an article applying the concept to judges. See Thumma & Beene, *supra* n. 1.

“Depersonalizing the conversation, and making sure the discussion is about ideas not personalities, can help.”

POSSIBLE JUDICIAL APPLICATIONS OF THE SERVANT LEADERSHIP STYLE

In discussing ways to apply concepts, specific examples always seem most helpful to me.²⁷ One of the more concrete descriptions of the servant leadership style is *On Character and Servant-Leadership: Ten Characteristics of Effective, Caring Leaders*, written by Larry C. Spears.²⁸

Spears identifies 10 non-exhaustive characteristics of the servant-leader: (1) listening, (2) striving to understand, (3) healing, (4) awareness, (5) persuasion, (6) conceptualization, (7) foresight, (8) stewardship, (9) commitment to the growth of people, and (10) building community.²⁹ Brief, real-life scenarios show how applying these characteristics of the servant leadership style might be valuable in a judge’s extrajudicial service.

1. Listening

A judge’s actively listening to comments, concerns, and excitement of others may help facilitate better discussion, decisions, and buy-in. Although this is true where there is consensus, this may be even more true when addressing contentious, controversial, or sharply divided issues. Valuing, encouraging, and acknowledging frank and honest discussion, including disagreement, may be one of the best way judges can reward participants and make their participation more meaningful. The judge also can ask questions to help facilitate the discussion, and by genuinely listening, make sure that the final effort (be it unanimous or closely divided) reflects the will of the entire group, not a subset of those participating or those who speak the loudest or most often.

2. Striving to Understand

Striving to understand is, in a way, a corollary to active listening. It is taking the time to make sure the judge genuinely understands the positions and perspectives of others involved. This aspect of servant leadership may be especially important where experience, education, ability, and tenure of the participants varies greatly. The concept recognizes that a person making a bad suggestion (and there are bad suggestions) does not make that person a bad person. The judge as servant-leader works to manage expressions and emotions that otherwise might intimidate, discourage, or suppress. The concept also recognizes that the judge is strong enough to express kindness toward difficult people and situations while still being an objective participant. This does not suggest a judge is robotic or without emotion or passion for a position or outcome. Instead, it suggests emotion and passion do not blind the approach taken

and that the process is as important as the outcome. This quality involves the judge soliciting input on how to make something better, fairly dealing with individuals who are not easy to deal with and making decisions with input from, and based on the best interests of, all involved.

3. Healing

This aspect of servant leadership can seem a bit metaphysical. But the concept can have application in almost any context. If, for example, someone has had a bad experience on a project, the judge can identify and try to address and account for that experience. This typically would be a one-on-one conversation, at least to start. If a person feels his or her contributions were not recognized and is bitter, those contributions can be recognized, and the issue addressed. And a judge who is working with long-time sparring partners can be sensitive to that tension and frame the conversation to try to diminish the conflict. Depersonalizing the conversation, and making sure the discussion is about ideas not personalities, can help. Small points of agreement and common interests also can help build common ground. The point is that the work of the group may offer an opportunity for the judge to try to resolve past conflict, even if only by a bit.

4. Awareness

Awareness can mean that tiny things can have great meaning. For example, the judge welcoming and celebrating the addition of a new member to a longstanding group likely will mean a great deal to that new member and will take nothing away from the longtime participants. Failing to do so, by contrast, may effectively give the new member the cold shoulder and inhibit involvement. As another example, at an appropriate time and manner, a judge asking a group member who has not spoken on a topic for his or her opinion may have real meaning to that member, signaling value and respect. Awareness means that the judge is constantly looking for opportunities to improve the process, to improve the experience, and, in doing so, to improve the outcome.

5. Persuasion

Persuasion, rather than coercion or exercise of authority, is another aspect of servant leadership that helps ensure participation and support for the effort. This approach may be particularly important for significant changes ultimately advocated by a group. A committee recommending a significant change in a longstanding process, for example, will benefit from support, if not consensus. This does not mean that issues are discussed without urgency or deadlines, that groups are not closely divided, that votes are never taken, or that projects are never completed. The effort, however, is to change the focus from personalities or technical authority to the merit of new ideas and change.

27. Again, examples abound, with numerous suggestions for specific conduct and actions that represent the best practices for leaders. See, e.g., Jo Miller, *100 Leadership Qualities: What’s Your Leadership Style?*, <https://www.forbes.com/sites/jomiller/2020/03/27/100-leadership-qualities/#2852d5987422>; Brian Downard, *101 Best Leadership Skills, Traits and Qualities—The Complete List*, <https://briandownard.com/leadership-skills-list/>.

28. See Larry C. Spears, *On Character and Servant-Leadership: Ten Characteristics of Effective, Caring Leaders*, 8 CONCEPTS & CONNECTIONS: LEADERSHIP & CHARACTER, 1, 3-5 (2000). Apart from any specific leadership style, there are numerous suggestions for specific conduct and actions that represent the best practices for leaders. See, e.g., Downard, *supra* n. 27.

29. See Spears, *supra* n. 28.

Change can be hard. Every new idea contemplates change, every change requires additional effort and every successful change requires buy-in and commitment. A focus on persuasion should make the process more participatory and satisfying for those involved. A wonderful byproduct of persuasion is that those involved in change, even if initially opposed, may become champions for the change. Using persuasion can yield a team of advocates supporting change. Failing to account for persuasion, by contrast, can result in a situation where individuals are told what to do, without understanding the need for or merits of the change and, perhaps, without really caring whether the change succeeds, or even happens.

6. Conceptualization

The day-to-day is important; actually, the day-to-day is essential. But it can get in the way of future planning, innovation and long-term success. Take, for example, a group charged with resolving an urgent, tactical issue, something that is easy to imagine in these times. That effort would be useless if it was exclusively, or perhaps even largely, conceptual. But the effort can include and capture conceptualization aspects. The judge can help ensure that the group will (1) identify a tactical fix for the issue that works now (the urgent need) but also (2) identify options for the future that, conceptually, may work better, faster, etc., than the tactical fix. Encouraging conceptualization can be as simple as a positive reaction to an enthusiastic suggestion of a new, untested idea that begins with: "What if we ...?" A judge encouraging and welcoming those suggestions, even if they never see the light of day, is a key part of conceptualization.

7. Foresight

Say a bar committee is considering a time-worn issue that has been studied for years that the group has tried to fix, with limited success, and new members are now suggesting different, untested possible fixes. The focus of the work must look to the past, present, and future, all key aspects of foresight.

The lessons learned from the past (sometimes fairly called mistakes) will come from a variety of different sources. Some of those lessons learned will be acknowledged reluctantly and, at times, may be hot buttons for those involved. But all perspectives are essential and should be considered. Failing to do so will result in wasted time, repeating prior mistakes and a significantly poorer result. The judge with foresight helps facilitate discussion of lessons learned from all perspectives.

The realities of the present may mean that there are fixes identified that, for one reason or another, are impossible to implement now or soon. Budgetary issues quickly come to mind, but others can include personnel and technology constraints and other limitations. The judge facilitating a candid and frank conversation of the present realities, focusing on what can happen soon but also capturing long-term solutions, is a key component of foresight.

Looking to the future, it is essential to identify and account for consequences. The intended consequences in fixing an issue are comparatively easy to identify. The unintended consequences, however, may be extremely difficult to identify and require creative and critical thinking of all involved. Again, however, the judge with foresight can and should empower any group to focus on and apply these concepts.

8. Stewardship

Judges are public servants and know how important it is to ensure that the court is operated for the greater public good. The cornerstone of stewardship is focusing on the good of the whole, not individual gain. Valuing the views of all in a judge's extrajudicial activities is consistent with, and a critical part of, this concept. So is holding all involved accountable. This approach to stewardship is a foundation for all servant-leadership characteristics.

"The day-to-day is important; actually, the day-to-day is essential."

9. Commitment to the Growth of People

A judge shows great confidence when she or he demonstrates a commitment to the growth of others and acts accordingly. Such a commitment is demonstrated by taking time to value the ideas, suggestions, thoughts, and impressions of all. That, in turn, has the benefit of obtaining buy-in for projects and changes, including from participants who may have started as skeptics or opponents.

This commitment to individual growth is perhaps best demonstrated in groups tasked with identifying and implementing change. In the courts, there often is no financial benefit for those who go above and beyond. Instead, those who do so are "rewarded" by being asked to commit even more time to endeavors that will involve even more work, above and beyond what they already are doing. The same is often true in committee work outside of the courts.

A judge focusing on the growth of individuals in these undertakings brings its own reward, both to those who participate and to the judge. The participants likely will take satisfaction in learning that their ideas and suggestions are valued and solicited. And for all participants, including the judge, the effort develops mutual respect and trust, significant benefits in any endeavor.

10. Building Community

What is a by-product of the nine characteristics of servant leadership discussed so far? Building a community. It is serving on a task force where participants look forward to meetings, addressing hard issues with respectful debate, resulting in thoughtful outcomes. Or it may be volunteering to distribute food for a non-profit that requires participants getting up before dawn, on cold winter mornings and hot summer days, to help feed hungry people. Or it may be working hard to get competing factions in a group to meaningfully discuss resolution of time-worn issues. Each of these efforts is furthered by efforts to build a community.

From a short-term perspective, such efforts may not seem to require a focus on community; they could be accomplished through an autocratic delegation of responsibilities. But to sustain with enthusiasm by building community, the judge can help the group do far more, far better, for far longer. Focusing on these characteristics, the judge can help build communities that are rewarding, successful, and self-sustaining.

CONCLUSION

The every judge is a hero. The every judge does incredible things, every day, and is rewarded for doing so by being asked to do more. And what a privilege that service is and can be.

Both in the courtroom, and in their extrajudicial service, judges are leaders. And their service differs greatly in those different roles. For their outside of the courtroom service, there is no one-size fits all leadership style.

There is a call to action for judges to serve as leaders, and that's as it should be. But a judge's skill in running a good courtroom does not necessarily translate to out of court undertakings. There are various leadership styles, and the thoughtful judge can learn about those styles and see what might work best for that judge, both generally and in different environments. And whatever styles the judge identifies, looking for concrete suggestions about how to implement those styles will be a good next step.

Judges have the privilege of being public servants in what they do, every day. They also immediately have credibility in their extrajudicial activities. Through a little thought and planning, the every judge can do even more to make those experiences meaningful for all and to improve the process and resulting decisions. And what a privilege and joy that can be.



Samuel A. Thumma, Judge, Arizona Court of Appeals, Division One. Judge Thumma served as Chief Judge of Division One from 2017 to 2019; has served on the Arizona Court of Appeals since 2012; and previously served as a judge on the Arizona Superior Court in Maricopa County for nearly five years. The views expressed are solely of the author and do not represent those of the Arizona Court of Appeals.

Court Review Author Submission Guidelines

Court Review, the quarterly journal of the American Judges Association, invites the submission of unsolicited, original articles, essays, and book reviews. *Court Review* seeks to provide practical, useful information to the working judges of the United States and Canada. In each issue, we hope to provide information that will be of use to judges in their everyday work, whether in highlighting new procedures or methods of trial, court, or case management, providing substantive information regarding an area of law likely to be encountered by many judges, or by providing background information (such as psychology or other social science research) that can be used by judges in their work.

Court Review is received by the 2,000 members of the American Judges Association (AJA), as well as many law libraries. About 40 percent of the members of the AJA are general-jurisdiction, state trial judges. Another 40 percent are limited-jurisdiction judges, including municipal court and other specialized court judges. The remainder include federal trial judges, state and federal appellate judges, and administrative-law judges.

Articles: Articles should be submitted in double-spaced text with footnotes in Microsoft Word format. The suggested article length for *Court Review* is between 18 and 36 pages of double-spaced text (including the footnotes). Footnotes should conform to the current edition of *The Bluebook: A Uniform System of Citation*. Articles should be of a quality consistent with better

state-bar-association law journals and/or other law reviews.

Essays: Essays should be submitted in the same format as articles. Suggested length is between 6 and 12 pages of double-spaced text (including any footnotes).

Book Reviews: Book reviews should be submitted in the same format as articles. Suggested length is between 3 and 9 pages of double-spaced text (including any footnotes).

Pre-commitment: For previously published authors, we will consider making a tentative publication commitment based upon an article outline. In addition to the outline, a comment about the specific ways in which the submission will be useful to judges and/or advance scholarly discourse on the subject matter would be appreciated. Final acceptance for publication cannot be given until a completed article, essay, or book review has been received and reviewed by the *Court Review* editor or board of editors.

Editing: *Court Review* reserves the right to edit all manuscripts.

Submission: Submissions should be made by email. Please send them to Editors@CourtReview.org. Submissions will be acknowledged by email. Notice of acceptance, rejection, or requests for changes will be sent following review.