Judicial Leadership in Healing to Wellness Courts

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Jikonsahseh, Mother of Nations
Skywoman, Legends of the Iroquois by Joanne Shenandoah and Douglas M. George, Illustrated by John Fadden & David Fadden
Mother of Nations’ Leadership Traits

- Powerful
- Feared
- Respect
- Smart/strategic
- Active
- Listened
- Learned something new
- Shared new thinking
- Consistent
- Informed
Important Judicial Skills – Best Practices
Professional Training – Learns new skills

What kind of training?

What ever you need – but especially evidence-based practices in substance abuse, mental health treatment, and community supervision

Set the example for your team
Length of Term – Consistent

At least two consecutive years

• Greater cost savings and significantly lower recidivism
• Evidence suggests that Drug Court judges are significantly less effective at reducing crime during their first year than during ensuring years

Know your policies and procedures
Consistent Docket

Participants benefit from having the same judge

Courts that rotate judicial assignments or require participants to appear before alternative judges had the poorest outcomes

Structure is important to change participants maladaptive behaviors
Participation in Pre-Court Staff Meetings - Active

Outcomes significantly better - regularly attend pre-court staff meetings

Judge ensures that each team member’s perspective is taken into consideration

Studies suggest that when judges do not attend – less likely to be adequately informed or prepared when interact with participants
Frequency of Status Hearings – Active/Listens

- No less than every two weeks during first phase – significantly better outcomes
- Structure
- Accountability
- Opportunity for praise – sandwich approach
Length of Court Interactions - Active/Listens

- At least three minutes and as much as seven minutes
- Gauge participant’s performance in program
- Discuss importance of compliance with treatment
- Communicate participant’s efforts are recognized and valued
Judicial Demeanor
Influential Factor for Success

Better outcomes for judges who were perceived to be
- Respectful vs feared
- Fair
- Attentive
- Enthusiastic
- Consistent
- Caring
- Supportive comments

Outcomes poorer for judges who were perceived to be
- Arbitrary
- Jumping to conclusion
- Did not give participants an opportunity to explain their side
- Comments were stigmatizing, hostile, or shaming
Judicial Decision Making – Listen/learn/active

- **DUE PROCESS AND JUDICIAL ETHICS REQUIRE INDEPENDENT DISCRETION – BUT JUDGES ARE ALLOWED TO CONSIDER PROBATIVE EVIDENCE OR RELEVANT INFORMATION**

- **NEED YOUR TEAM OF EXPERTS**

- **MAKE AN INFORMED DECISION**
Top Down Leadership – It Ain’t All That

Cynicism about ‘new program’

Difference between compliance and commitment
A value is only a value if it is voluntarily chosen
You want new behaviors for the right reasons
Top down leadership evokes compliance, not commitment

It can backfire and move you backwards
Increasing fear and distrust
Three Essential Types of Leaders

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

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

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

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

Use your stories to define leadership – work on those skills

Identify your local line leaders, other executive leaders and internal networkers – make sure they are part of your Healing to Wellness Court strategy