

# CHARACTERISTICS OF EFFECTIVE PRESIDING JUDGE/COURT ADMINISTRATOR RELATIONSHIPS

*Better Together*

*A Leadership Forum for Presiding Judge/Administrator Teams*

---

## *Session One*

*Presented by Jill Goldsmith, J.D., M.Div.*

*Jill Goldsmith, J.D., M.Div., [www.workplacesolutionsnw.com](http://www.workplacesolutionsnw.com), is a mediator, neutral, trainer and coach, consulting with businesses and attorneys to develop strategies for resolving difficult situations with clarity, trust and compassion. She has worked with large and small companies in the private and public sectors, health care and higher education, among others. Jill works with groups, guiding them to foster partnership and collaboration for the teams to move forward productively. As a coach, Jill works one on one with individuals and with groups helping executives and leaders develop self-awareness, understanding of ethical use of power and how to work effectively with conflict.*

*Jill is a trained teacher of Germer & Neff's program, Mindful Self Compassion (MSC), Self Compassion for Health Care Communities (SCHC) (UC San Diego) and also of Stanford's Compassion Cultivation Training (CCT) program. Jill is also an International Coaching Federation Certified Coach and an affiliated teacher with the Right Use of Power Institute.*

|                                                                               |    |
|-------------------------------------------------------------------------------|----|
| Introduction.....                                                             | 3  |
| Leadership Characteristics .....                                              | 3  |
| Characteristics of Strong Presiding Judge/Court Administrator Relationships . | 4  |
| The Attorney [Judge] Brain .....                                              | 5  |
| The Conundrum .....                                                           | 7  |
| Power and How We Use it in Relationships .....                                | 9  |
| Negativity Bias.....                                                          | 13 |
| How Our Physiology Impacts Interpersonal Relationships .....                  | 15 |
| When in Conflict.....                                                         | 18 |
| Other Reasons for Conflict in the Workplace .....                             | 19 |
| What kind of Conflict Cycle are you in?.....                                  | 20 |
| Know Yourself: What do you need? .....                                        | 23 |
| What can we do?.....                                                          | 26 |
| Personality Profile Tests .....                                               | 28 |
| Mindfulness practice .....                                                    | 28 |
| Compassion practice .....                                                     | 29 |
| Mind-Body Connection .....                                                    | 29 |
| Journaling .....                                                              | 30 |
| Seeking and Receiving Feedback .....                                          | 30 |
| Strategies for Effective Leadership .....                                     | 30 |
| 1. Breathe.....                                                               | 31 |
| 2. Align.....                                                                 | 31 |
| 3. “Just Like Me” .....                                                       | 31 |
| 4. Self-Appreciation and Gratitude.....                                       | 32 |
| 5. Calm your body throughout the day .....                                    | 32 |
| 6. Repair.....                                                                | 32 |
| Finally.....                                                                  | 33 |
| Takeaways .....                                                               | 34 |

## INTRODUCTION

Alexis de Tocqueville called lawyers, "the American aristocracy" because of the unique position they held in American society. De Tocqueville explained, "[i]n America, there are no nobles or literary men, and the people are apt to mistrust the wealthy; lawyers consequently form the highest political class and the most cultivated circle of society."<sup>i</sup>

Lawyers hold leadership positions throughout American society, including CEO positions, political office, serve as judges, lead teams and many of our most revered figures were attorneys. However, until recently, law schools rarely considered the importance of leadership training for lawyers.

## LEADERSHIP CHARACTERISTICS

According to Deborah L. Rhode, the most widely accepted characteristics of a good leader are:

- *Values – such as integrity, honesty, trust, and an ethic of service*
- *Personal skills – such as self-awareness, self-control, and self-direction*
- *Interpersonal skills – such as social awareness, empathy, persuasion, and conflict management*
- *Vision – such as forward looking and inspirational and*
- *Technical competence – such as knowledge, preparation and judgment<sup>ii</sup>*

## **CHARACTERISTICS OF STRONG PRESIDING JUDGE/COURT ADMINISTRATOR RELATIONSHIPS**

Our judiciary is a pillar of democracy. The Presiding Judge/Court Administrator relationship is crucial to keep the operations part of administering justice flowing smoothly.

There are several characteristics of strong Presiding Judge/Court Administrator relationships:

- Mutual respect for each person and their role.
- Understanding that each role has a different purpose and different responsibilities, privileges and scope.
- Aligning (finding commonality) in approach.
- Collaborating on the vision and the details.
- Collegiality in the working environment.
- Resolving conflict quickly in a win-win manner.
- Building a strong team.

To effectively integrate each of the above characteristics into the working relationship we need to assess ourselves both internally and externally. Each party needs to honestly assess their strengths and weaknesses in response to the following questions:

- How self-aware are you?
- How aware are you of the other's traits, strengths, and weaknesses in your partnership?
- What is your role (and therefore your responsibility)?

- What is the other's role/responsibility?
- How do I get things done (what is my default style)?
- How do others get things done (what is their default style)?
- Do either of you need to adjust your default style to work more effectively with each other?
- Who are your stakeholders?
- What is the best way to work effectively as a team?

## THE ATTORNEY [JUDGE] BRAIN

To focus for a moment on judges, all of you and likely some/many court administrators, are also attorneys. The following research is based on the work of Larry Richard, PhD, JD, who studies the "Lawyer Brain."

In a survey of attorney personality traits, attorneys tended to score above the average person in the population in traits like skepticism, urgency, autonomy, and achievement orientation.<sup>iii</sup>

Lawyers are quite good at getting things done (task orientation), persuading others, directly and assertively confronting conflict. They have a strong sense of urgency, and an ability to focus on details.

However:

- **Skepticism** in its positive form is critical thinking. In interpersonal relationships, however, Richard says it can lead to lowered trust. Skeptical people tend to be slow to trust others and to give others the benefit of the doubt.

If you do not trust your staff, they will know it and reciprocate by not offering you trust. Low trust in relationships causes everything to grind to a halt. If people do not trust you, they will not take your words at face value. They will wonder if there is another agenda. They will sift your words. There is a reason why people say that relationships work at the speed of trust.

- **Urgency** is also an important trait – we want to get things done quickly and on time. According to Richard, urgent people are sometimes brusque, impatient, poor listeners, and can add a level of tension to meetings and a sense of oppression to lawyer/secretary interactions.<sup>iv</sup>

This trait, in unaware people, can lead them to bully other people. When confronted with this information, there is no one more surprised than the person who just thought they were getting work done or being “direct” with others.

- Unsurprisingly, lawyers tend to score much lower than the general population in the trait of **sociability**. The profession of law is devoted to logic and intellect. Sociable people tend to be comfortable with others, and comfortable with initiating new relationships. People who score low in sociability tend to be less comfortable with people and more comfortable with work, leading them to put a lower priority on relationships.

Your staff is unlikely to have these same personality traits. As an example, I did a training in a law firm years ago. We first trained the attorneys, then the staff. When the attorneys came in, they looked harried and pressed for time. Some of them greeted their colleagues, but many sought a chair without making eye contact with others. Most brought work with them. There was little interaction in the

training. They took the information along with their CLE credits and only spoke up occasionally.

When the staff came in for the second session, the energy in the room increased along with the buzz of conversation. They greeted each other and many hugged. They asked each other how they were. They offered chairs, coffee, and water to each other. During the training, they were engaged and talkative.

- **Achievement orientation** allows us to get things done and done well.

This is a task orientation focus, not a people orientation focus.

Achievement oriented people can forget the human factor and unintentionally cause others to feel invisible or devalued.

- Lawyers tend to score lower in the trait of **ego strength** or **resilience**, leading them to be more likely to become defensive and argumentative, resist taking in feedback, and be hypersensitive to criticism.

This can be a huge problem. One of the primary ways to improve self-awareness is to receive and assimilate feedback. If we cannot hear constructive criticism, we will not improve.

## **THE CONUNDRUM**

How do we know if we are using our critical thinking skills well or lowering trust with our staff and colleagues? How do we know if our tone is too brusque when we are wrapped up in the need to get something done?

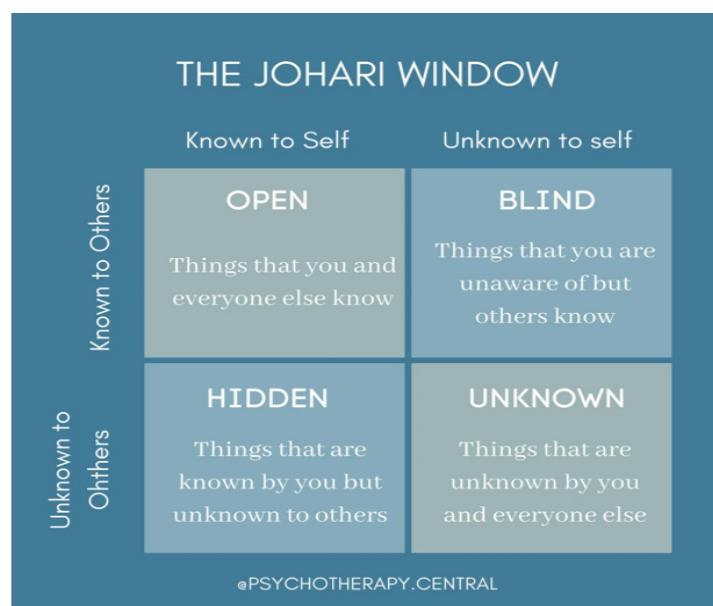
Unfortunately, most people tend to dismiss or diminish traits they do not possess, for example, “soft skills” like sociability, empathy and

kindness. Yet, these are the very qualities which allow us to create trust and enhance our relationships with others. Many people dismiss these qualities as "soft" or "weak" and then wonder why their employees think they are a bully.

Furthermore, the more power a person has, the more they tend to misstate their strengths:

"Results [from the study] showed that higher level employees (e.g., senior executives) had greater discrepancy between self- and other-ratings than lower level individuals (e.g., managers and individual contributors). Implications are significant because research has shown that self-awareness is positively associated with important management and leadership outcomes"<sup>v</sup>

We all have areas of our personalities which are unknown to us and known to others. For some people, it is like a neon sign hanging over their heads, while they deny the trait altogether. See the figure below, called the Johari Window, which illustrates this concept:



Unfortunately, according to Tasha Eurich, 90% of us believe we are self-aware, but the reality is closer to 10-15%!

***The only way to uncover these areas of our personality is to seek, accept and integrate feedback.***

## **POWER AND HOW WE USE IT IN RELATIONSHIPS**

Power is simply defined as the ability to have an effect or to have influence. A person with power can cause things to happen or persuade others and influence them.

There are three kinds of power, according to Cedar Barstow: Personal power, role power, and status power. Personal power includes your charisma, presence, interpersonal skills, innate abilities, life experiences, spiritual strength, and emotional and psychological balance.<sup>vi</sup>

Role power is earned, awarded, elected, or assigned. It is an “add on” to your personal power.

Status power is culturally conferred and in our culture would include things like beauty, athletic ability, wealth, and some positions such as physician, minister and judge to just name a few.

By this definition, judges possess all three kinds of power. Also note that according to this definition, a person can have power because of their knowledge (subject matter experts) or their seniority (if people look to them because they have informal power in a group) and not necessarily always because of a role they occupy.

In our working relationships, our power as human beings is equal, but we are not equal in terms of skill, experience, role, training, abilities, or status. Power differentials exist.

The way most workplaces are structured formalizes power disparities. At every level, there are roles with certain responsibilities and authorities. When everyone understands their role and responsibilities in the “up power” positions, it creates safety for people in “down power” positions. This is so because boundaries, expectations and roles are clear.

In terms of the relationship between a supervisor and a subordinate – up power and down power roles – the responsibility for the health of the relationship is weighted towards the person with more power. This is precisely because that person has more power and therefore more ability to have an effect or to influence others in the workplace.

With power comes responsibility: to use power ethically and with compassion for others. When we do not understand our power and we misuse or abuse our power in ways that are at odds with our ethical responsibilities in exercising our power, we cause problems.

All our traits, behaviors and yes, indiscretions are enhanced in their impact on others by the power we hold. Generally, the more power we have, the more impact we cause. Think of your power as a weighted hammer: if you swing it hard, you can create a huge impact. The more power you have, the more weight to your hammer. Most of the time, with others in the workplace, we don’t need the hammer, or we only need to tap lightly.

Sandra, a Vice President at a University, has had to fight for everything she has accomplished in her life. She is justly proud of her successes because nothing was ever handed to her. Unfortunately, she has brought her habit of “fighting” into her new role as a Vice President. If someone displeases her, she immediately raises her voice and castigates the person with derogatory terms. Her staff view her as a bully who throws her power around with impunity. Sandra is unaware of how her power has changed with her new role and still sees herself as a scrappy underdog. She is also completely unaware that she is viewed as a bully with power, ironically, a figure she has fought against many times in her life. As one person put it to me, “all she has to do is whisper, and we’ll jump through hoops to get things done.” With her increased power, Sandra’s need to engage in forceful behavior is decreased.

Behaviors such as yelling, sarcasm, disrespect, sexist or racist “jokes” and plain old every day incivility are even more impactful and harmful when they come from someone with more power than the recipient of the behavior.

We can misuse our power in a couple of ways. First, by ***underusing our power***. We are – because of our role – meant to engage in certain responsibilities. However, because we are conflict avoidant or believe the responsibilities are not important, we don’t address those responsibilities. This causes dysfunction in the workgroup.

Robert, a manager of a workgroup of 15 people, focuses his attention on financial and technical aspects of the work. In meetings, when his employee Ron cracks jokes that make fun of his Hispanic colleague, Robert pretends not to hear them. What Robert doesn’t know is that what Ron is doing in front of him is the tip of the iceberg and that much worse behavior is going on

*...continued*

interpersonally between Ron and his colleague outside of Robert's presence.

Robert doesn't want conflict with Ron and he is unsure of his skills in addressing the Ron's behavior, so he ignores it. Robert is underusing his power. Robert's role requires him to ensure that his employees are not being subjected to a racially hostile environment. Because Robert is not fulfilling his responsibilities, many of the employees don't feel psychologically safe in the workplace.

In addition, because Ron behaves the way he does in Robert's presence, and Robert does nothing, Ron is emboldened to even more flagrant behavior and at the same time, other employees believe that if they report Ron's behavior, nothing will be done.

Another way to misuse our power is to **overuse our power**. We overuse our power when we – unintentionally – disrespect or infringe on others because we have blind spots and don't understand our power or our impact on others (remember Johari's window). This can happen when we micromanage others or say or do things that are perceived as disrespectful. Misuse of power is unintentional – we don't mean to cause upset or harm, but we do. Our intent is innocent but our impact causes another person stress or discomfort.

Marsha's boss John is detail oriented and anxious. He over-explains and micromanages her work constantly, causing her to feel frustrated and disrespected. He only ever sees the errors and forgets to praise anything she does. John is anxious for reasons unrelated to Marsha but because he is unaware of how his anxiety is impacting her, he continues to behave in this way.

Both underuse and overuse of power can be repaired because we didn't intend the effects of our misuse of power. Once it is brought to our attention through feedback, our behavior can move from unconscious to conscious and we can work on new behavior habits. This requires humility and enough resilience to accept the feedback.

More problematic and more difficult to repair is **abuse of power**. Abuse of power is intentional and premeditated. Abuse of power is usually committed by those with a higher level of power who privilege themselves above others and is typically accompanied by reduced empathy for the experience of the other person. The impact can be devastating and very difficult to repair. Examples of this kind of abuse of power include engaging in activities such as sexual abuse/harassment, intentional behavior to denigrate another person, bullying and other harmful behaviors. These behaviors, when engaged in by the person with the highest power in the workplace, create a toxic and unhealthy environment.

## **NEGATIVITY BIAS**

We are hard wired to scan the environment for threats – this was a necessary survival trait we have had for eons. Unfortunately, today, it can cause us to jump to negative conclusions about events and people. If we aren't aware of our thoughts or our negativity bias, we might even believe these thoughts before we know if they are true.

Picture a high performing employee receiving an unexpected call to come to the boss' office. What does the typical employee experience, high performing or not? A stress reaction: "Oh, my goodness, I'm going to be fired." There is no logical reason for this thought. The

employee is high performing. But many people will have some trace of that kind of thought.

As Dr. Rick Hanson explains:

"Imagine being a hominid in Africa a million years ago, living in a small band. To pass on your genes, you've got to find food, have sex, and cooperate with others to help the band's children (particularly yours) to have children of their own: these are big carrots in the Serengeti. Additionally, you've got to hide from predators, steer clear of Alpha males and females looking for trouble, and not let other hunter-gatherer bands kill you: these are significant sticks."

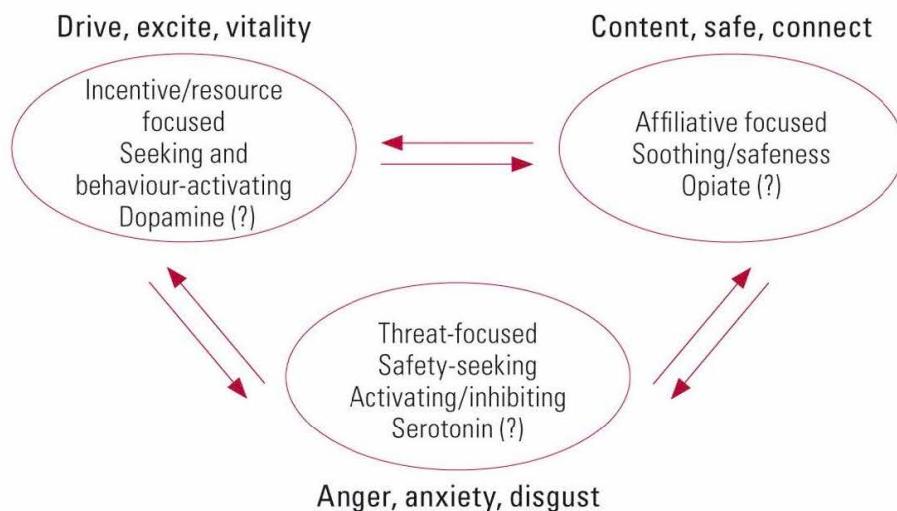
But here's the key difference between carrots and sticks. If you miss out on a carrot today, you'll have a chance at more carrots tomorrow. But if you fail to avoid a stick today – WHAP! – no more carrots forever. Compared to carrots, sticks usually have more urgency and impact. \* \* \*Consequently, your body generally reacts more intensely to negative stimuli than to equally strong positive ones.

"\* \* \* To keep our ancestors alive, Mother Nature evolved a brain that routinely tricked them into making three mistakes: overestimating threats, underestimating opportunities, and underestimating resources (for dealing with threats and fulfilling opportunities)."vii

This negativity bias makes it even more imperative that we become aware of the thoughts we think, lest they lead us into unnecessary interpersonal conflict. Remember what Mark Twain said: "I've lived through some terrible things in my life, some of which actually happened."

## HOW OUR PHYSIOLOGY IMPACTS INTERPERSONAL RELATIONSHIPS

We have three main emotion regulation systems: **Drive**, **Safety/Contentment** and **Threat Defense**. The Safety/Contentment system mediates Drive and Threat Defense.



**FIG 1** Affect regulation systems. From Gilbert (2005a), with permission of Routledge.

- Threat defense (which includes fight, flight, and freeze) kept us alive as we evolved by making us sensitive to the presence (real or imagined) of threats.
- Drive, a resource seeking system, motivated us to find the best watering holes or hunting grounds. Today we want to send our children to the best colleges, live in a nice house and get promoted at work.

- Safety/contentment allows us to relax and nurture each other and our children. Safety/Contentment is not just the absence of threat; it is a state in which we are calm, positive and our prosocial qualities come to the fore.

In addition to our naturally occurring leadership weaknesses, some of which we are aware of and some of which we are not, when we are under stress, our bodies react to stress the same way they react to other kinds of threats. The threat of physical pain causes our sympathetic nervous system (SNS) to spring into action. The SNS is designed to protect us by aligning our physical resources where they are needed the most – to our large muscle groups so we can run or fight. Our hearts start beating faster, pumping blood to our legs; adrenaline flows through our body. Our body cuts down on the blood going to the brain (because you can't analyze your way out of an encounter with a saber-tooth tiger) and our prefrontal cortex goes offline so other functions – like fighting or running – can come to the fore. This is your threat defense system in operation.

Emotional and psychological threat prompts the same response in us as does physical threat. For example, when we are in conflict, our hearts can beat faster, blood goes to the major muscle groups and adrenaline pumps through our body. Blood flow to the brain is reduced; so, just when our prefrontal cortex would be useful, it goes offline. These reactions are unconscious.

Think about the last time you felt threat or fear – maybe you were driving and someone swerved in front of you and you had to react without thinking. How quickly did that happen? That is your threat defense system keeping you safe. Or you are driving and someone cuts you off; what word pops out of your mouth? For most of us, not a very nice one. Again, how quickly did that happen? Usually, it

happens in under a second. Not enough time to consciously process the situation, choose the right word and form it. It all happened instinctively.

Interpersonal stress, frustration and irritation is a form of conflict. Conflict is processed the same way the brain processes other threats – by putting us on high alert and taking our logic brain offline. Our minds, like our bodies, evolved to serve certain functions, the primary one being keeping us alive so we could reproduce. That is the “prime directive” to borrow a phrase from Star Trek. Everything flows from this one basic premise: survival. This is neither bad nor good; it just is.

The kind of conflict most of us deal with daily does not require this threat defense reaction. If we can recognize our reactions and become aware of them, we can integrate and temper our reactions (our feelings and impulses). If we deny that we are reacting, we will be controlled by our reactions.

An important aspect of this physiological response relates to interpersonal relationships and conflict. All humans have “mirror neurons” and the ability to “catch” emotions from each other. If you are angry, those around you will know it. If you have more power than them, this could trigger their own fight/flight/freeze response.

John, a tall man with a booming voice, wants some information from Ingrid. He is on a deadline and needs the information **now**. John privately believes Ingrid is scattered and slow to respond.

Ingrid has been in a relationship in which she was subjected to physical abuse by her intimate partner. He was also a large man with a large voice. Because of this, she finds John especially intimidating.

*...continued*

John stands over Ingrid demanding information, interrupting her and finishing her sentences, becoming more and more impatient as he does not get the information he wants.

Meanwhile, Ingrid “catches” John’s urgency and irritation but her body interprets it as a threat. Her blood flow is directed away from her brain and she literally can’t think. Ingrid’s default threat defense reaction is freeze. She sits, frozen in her chair, unable to speak, while John becomes louder and more irritated.

Ingrid might have a particular life experience which makes her more susceptible to being intimidated by John. However, John has size, a booming voice and a position which gives him power over others. Ingrid is not the only person who experiences him as intimidating.

Like most people, when this is brought to his attention, John protests that he was just trying to get information and Ingrid was being too sensitive. John is utterly unaware of his impact on others and when it is brought to his attention, he dismisses the feedback as caused by others’ frailty.

## **WHEN IN CONFLICT**

Earlier it was mentioned that interpersonal stress, frustration and irritation is a form of conflict. Broadly, any time you and another person are not in complete alignment, you are in conflict. You might **accommodate** the other because the relationship or some other goal is more important to you than the present issue; you might **negotiate** or seek a **compromise**; you might explore your and the other person’s interests and goals to find a way to **collaborate**; you might

**avoid** the conflict because you don't trust your skills, or you might use force (and **power**) to get your way.

What are your reactions in conflict? Do you simply react, allowing your voice to become louder? Does your face turn red? Is your frustration and even anger obvious?

If so, those around you see it and register it. Remember the section on power? Only those with power are privileged to forget they have power. No one with lesser power forgets this.

Are you able to notice you are becoming frustrated and calm yourself? How we respond depends entirely on what we tell ourselves about what is happening. If we tell ourselves that our colleague is being stubborn or short sighted for no reason, our frustration rises. If, on the other hand, we tell ourselves that there is something we don't understand, we engage with curiosity.

Note that underlying our belief that our colleague might have a good reason for their actions is an implicit assumption that our colleague is doing their best and has positive intentions. Remember our negativity bias? it is not always easy, but remembering to attribute positive intentions to others will help us approach the situation calmly.

This is not to say that you don't have expectations, standards and boundaries or that you don't hold people accountable. Of course you do. Just watch your assumptions as you do it.

## **OTHER REASONS FOR CONFLICT IN THE WORKPLACE**

1. Unclear goals or objectives

Do you (Presiding Judge/Court Administrator) have a mutually understood plan? If not, you could have goal conflict on your team

with people in good faith believing they are achieving something but the outcomes are different than you think they ought to be.

## 2. Unclear roles and responsibilities

Who is responsible for what outcomes? If your roles are unclear, you will have conflict because you will likely have multiple people believing they have responsibility for the same work.

## 3. Unclear level of authority and decision-making

At what level are staff empowered to make decisions? Do they know this? If they aren't empowered to make decisions within their roles, they will be coming to you for routine decisions and taking up your time. If you are reluctant to delegate, ask yourself why? Is it an issue of staff's judgement or competence, or your own anxiety leading you to micromanage?

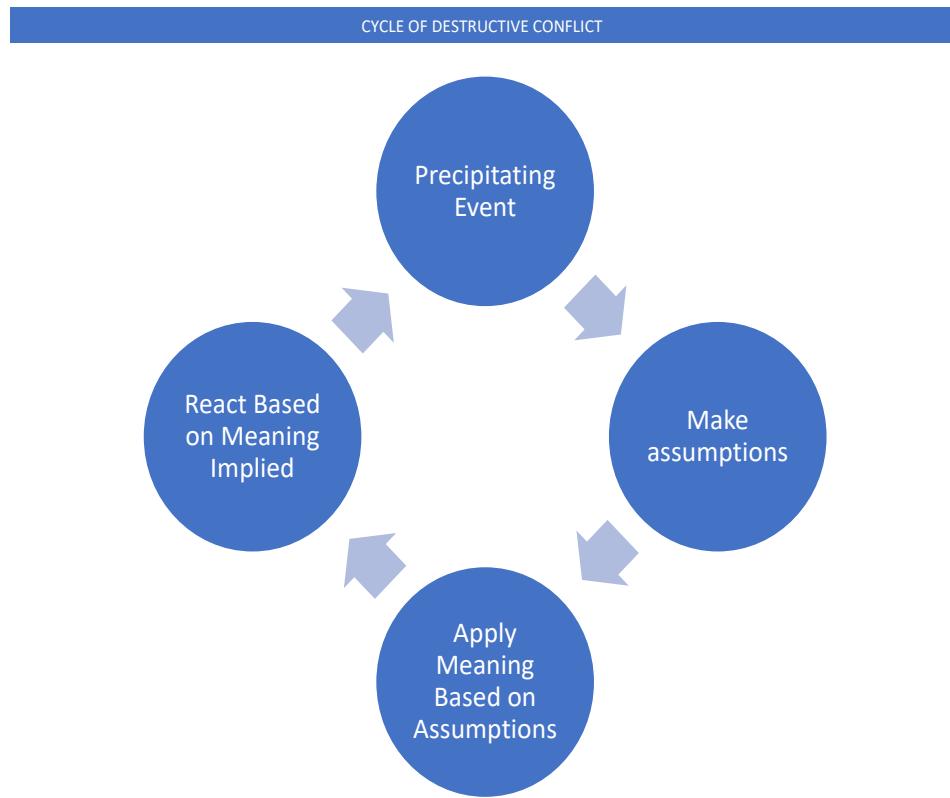
## 4. Unclear procedures

Unclear procedures lead to unnecessary conflict over how to get things done. If there is a particular way to get things done, make sure it is articulated and staff is trained on it. Otherwise, you are leaving too much to chance. Remember, what is logical to you won't be logical to everyone.

## **WHAT KIND OF CONFLICT CYCLE ARE YOU IN?**

In destructive conflict cycles, we perceive, assume, and react, usually in unhelpful and unskillful ways. Something happens to us, we make assumptions about what happened, then we make meaning out of our assumption and then we react.

Have you ever become irritated with a colleague because they didn't produce work you were depending on and waiting for?



1. Precipitating event: John doesn't get work done. We think, "I can't get my work done because John didn't get his project done!" We feel irritation because of this event.
2. Assumptions: "There is just no reason for this," "John doesn't care about deadlines" or any number of other assumptions.
3. Making meaning: "John is lazy, underperforming and making me look bad."

4. Reaction based on precipitating event: We find John and yell at him.

When we yell at John, this becomes John's precipitating event – and onward the cycle goes.

What if instead of assuming John was being a jerk, we immediately thought, "I wonder if something happened to prevent him delivering what he promised?"

That different thought changes everything, doesn't it? The colleague moves from being a jerk to being a human being struggling with their own frustrations (possibly). We might not jump to negative conclusions about our colleague.

What changed? Only our thought – our assumption – about our colleague. Nothing else changed. The late work product still happened and our instinctive reaction still happened. With one thought, that our colleague is undependable, we feel anger or irritation; with the other, that he or she is doing the best they can, we feel sympathy.

How do these two thoughts feel in your body?

If you are like most people, you can feel irritation in your body in places that are familiar to you when you assume the worst. Remember, our threat defense system doesn't differentiate between psychological threats and physical threats – either one gets it going.

If we wonder what happened with curiosity, we will still be disappointed in John but we won't bring all the irritation and anger to the interaction with him because we didn't generate that irritation in ourselves with our thoughts before we even talked to him.

The difference between these two states of being is directly attributable to whether we can catch ourselves in a negativity bias episode and think something different.

Of course, neither thought is true. We don't know what is true in this situation because we haven't asked our colleague what happened to the work product. This is why it is important to engage your curiosity and ask questions, listening to the answers, before deciding what happened.

## **KNOW YOURSELF: WHAT DO YOU NEED?**

Knowing what your needs are in any given situation is crucial. Why do you want this thing done? Efficiency? Order? Predictability? Service? All of these words describe needs that if not met, will cause you some emotional dissonance.

According to Marshall Rosenberg, we all have universal human needs.<sup>viii</sup> These include the need to be heard, to be seen, to belong, but also needs for stability, predictability, justice, integrity, autonomy and many more. When our needs are not met, we experience an internal upset, or dissonance, which causes us to feel emotions such as frustration, irritation or even anger. If we are self-aware, we notice what we are feeling and attend to our personal needs. If we are not self-aware, we assume something in our environment has caused the emotion and we begin the search for the source.

Mark, a surgeon, is taking a surgery for one of his partners in a surgery center across town. On the way there, traffic is worse than he expects and he fears he will be late. He calls the center from the car, giving direction for certain actions to be taken in preparation for his arrival. He arrives on time (barely) and hurries to the operating room. On the way there, he sees staff he believes should be executing the orders he called in. They are standing in the hallway,

*...continued*

chatting and laughing. He also finds that one of the things he asked for is not done. Mark explodes in anger at the staff. He later learned that the thing he asked for was in process but not yet completed.

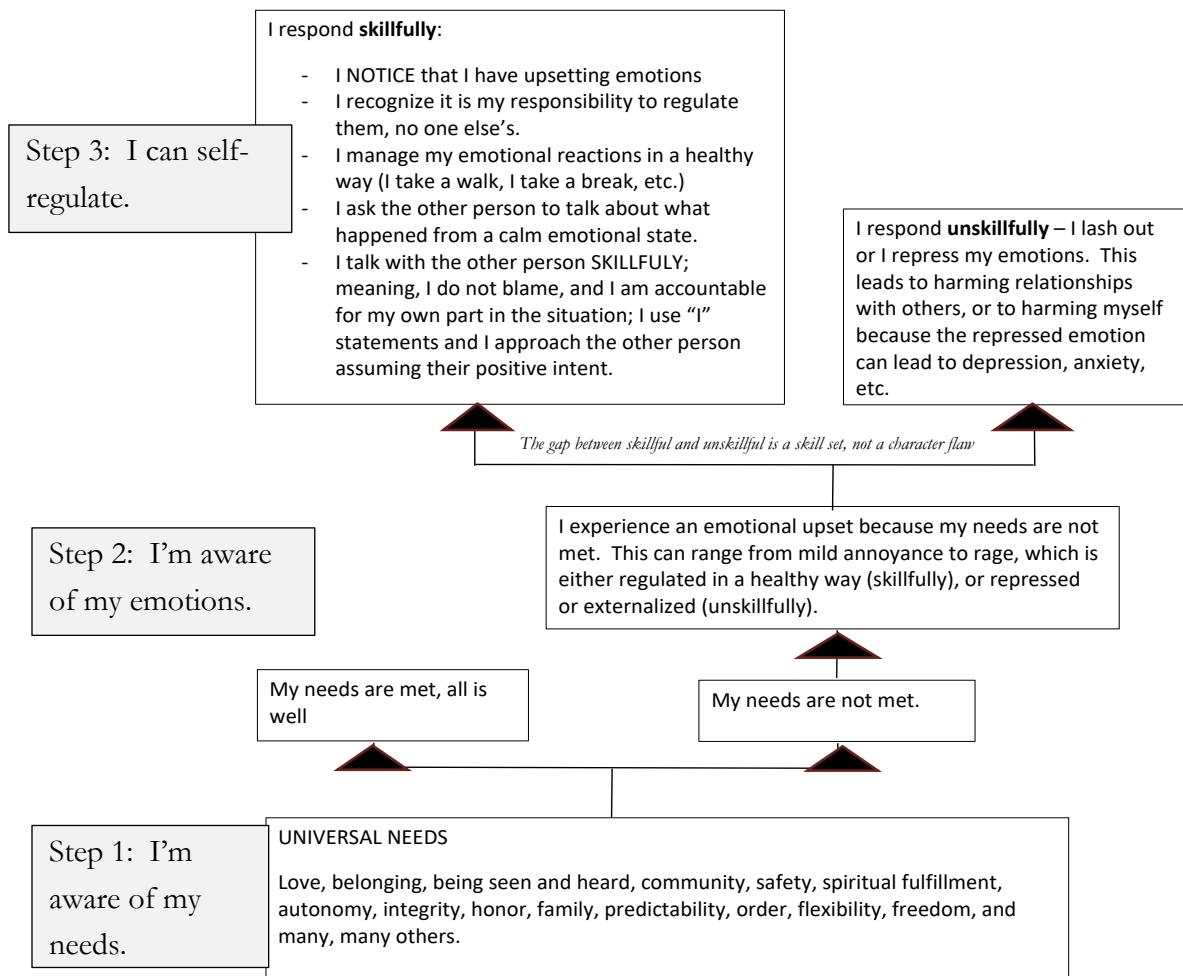
In deconstructing this situation with Mark, we found that the stress build up began in the car when he feared he would be late. Mark was able to identify a physical sensation associated with his stress that manifested in his chest as a burning feeling. His stress increased when he saw the staff members chatting and laughing because he assumed they had disregarded his instructions, an assumption he believed was justified when he learned one of the things he asked for wasn't done (yet).

Mark realized his stress mounted because of his fear of being late and not being able to effectively care for the patient. This fear was rooted in a basic need to be of service to the patient, which is why he became a doctor in the first place. Mark's need to be of service was not being met.

When he felt the emotional dissonance caused by his need not being met (which he experienced somatically as heat in his chest), he looked for the cause externally in the environment.

If we can identify our needs, we can understand why we are stressed, which means we can expend our energy on the actual problem. In this situation, Mark experienced stress at the idea of being late but couldn't identify why he was upset. He externalized his stress on the staff and jumped to erroneous conclusions about what they were doing. See the following chart for how this works:

### Origins of Conflict: What happens when our universal needs are unmet?<sup>1</sup>



<sup>1</sup> Based on the work of Marshall Rosenberg, author of Nonviolent Communication.

Mark lacked three basic skills:

- 1) The self-awareness to understand his own needs and when they were not being met;
- 2) Vocabulary to identify the emotions he was feeling (e.g., other than “anger”); and
- 3) Skills to self-regulate and engage in activity that would meet his unmet needs.

Mark’s perfectionism was also at play: Mark had low tolerance for what he perceived as failure in himself. Many times, our outbursts stem from frustration with ourselves rather than others, but we lack the self-awareness to notice and adjust.

## **WHAT CAN WE DO?**

Based on the foregoing, attorneys as a group tend to be less sociable, less empathetic, less trusting, and more impatient. They also tend to have weaker ego strength, making it hard to receive and integrate feedback.

Add to this that fact that most people are thrust into leadership positions without leadership training. In addition, most people do not clearly understand their personal or role power and lack the self-awareness to be aware of their physiological reactions to stress. It is not surprising leadership positions and interpersonal relationships can be difficult to navigate.

According to Tasha Eurich, self-awareness is the ability to see ourselves clearly, and there are two kinds of self-awareness: internal and external. Internal refers to how well we know our own passions, strengths, weaknesses, values, inspirations, and goals. External refers

to our ability to perceive how others see us with respect to those same qualities.

Research tells us that we can improve our self-awareness in many ways, including taking a psychological profile test to learn more about our own traits, journaling about our thoughts and feelings, practicing physical activity that encourages mind-body connection, seeking feedback and practicing mindfulness.<sup>ix</sup>

Let's remind ourselves of the characteristics of a good leader:

- *Values – such as integrity, honesty, trust and an ethic of service*
- *Personal skills – such as self-awareness, self-control and self-direction*
- *Interpersonal skills – such as social awareness, empathy, persuasion, and conflict management*
- *Vision – such as forward looking and inspirational and*
- *Technical competence – such as knowledge, preparation, and judgment*

How do we know if we are exercising good personal and interpersonal skills? How do we know if we are forward looking and inspirational? How do we know if we engender trust?

***The evidence for whether we exercise these qualities comes from our impact on those around us.*** If we think we are exercising good interpersonal skills but our staff thinks we are a bully, we are not exercising good interpersonal skills. If we think we are engendering trust in those around us, but no one trusts us, we are not trustworthy.

By definition, leadership qualities are evidenced by their effect on those around the leader.

## ***Personality Profile Tests***

Consider taking a personality profile test if you haven't already – they can be quite illuminating! The profile Larry Richard used in his study of attorneys was the Caliper profile. There are many good ones, including the Hogan assessment and the Myers-Briggs.

Consider doing this as a Presiding Judge/Court Administrator team, to enhance self and other understanding.

## ***Mindfulness practice***

Mindfulness meditation is, at its core, a practice that allows us to observe our thoughts without judgement; just noticing them. This observation practice allows us to notice patterns (e.g., anxiety, a tendency towards negativity, a tendency towards looking for answers from others rather than from ourselves, etc.). The more we notice our own patterns, the more self-aware we become.

This type of awareness allows us to notice our emotions such as sadness, happiness, confusion, or anger without getting caught up in the emotion. We simply notice; and in the process, improve our ability to discern our emotional state all the time, not only when we are meditating.

There are books (and a multitude of peer reviewed studies) written about the benefits of mindfulness meditation so I will not go deeply into the benefits here, other than to say that there is research supporting the idea that we can alter the expression of some personality traits with sustained meditation practice. An example of this is a person who is quick to anger and decides to focus on his triggers. He practices noticing his emotions and bodily sensations until

he gets very good at noticing when he is triggered, and then uses skills to calm himself down before he flies off the handle.

Sometimes people are put off by what they first experience when they begin to meditate. Usually, they start with a simple breath meditation. Then, they notice how quickly their mind wanders! Don't worry about this; every time you bring your attention back to your breath, you are strengthening your powers of concentration.

Sometimes people are put off by the flood of thoughts which arise. Again, don't worry too much about this. It's not that thoughts ever go away, rather, we get better at not becoming carried away by them. That is why we call it a meditation practice; we practice and we get better, but we are never perfect.

### ***Compassion practice***

The evidence for the benefits of compassion practice on empathy is even stronger than that of mindfulness meditation for beginning meditators. Some studies show that as little as seven hours of compassion practice over two weeks (a half hour a day) can strengthen connectivity in brain circuits important for empathy and positive feelings and that these connections are strong enough to be present outside of the meditation practice.

### ***Mind-Body Connection***

Practices such as Qi Gong, Tai Chi and Yoga are practices which combine physical exercise with breathing and mental awareness and are effective at training the body, relaxing the mind, improving the general well-being, and reducing stress.

### ***Journaling***

Journaling allows us to see and process our experiences and thoughts. Eurich points out that asking “what” questions rather than “why” questions can help us move past problems more efficiently. In other words, ask yourself “what” went wrong or what could I have done to facilitate a better interaction; not, why did that go wrong? Why questions tend to point our mind towards grappling with the behavior of others or the meaning of experiences, which doesn’t lead to improvements in self-awareness.

### ***Seeking and Receiving Feedback***

Seeking feedback from people who want the best for us and know us well and who will tell us the truth is crucial to developing our self-awareness. However, all the elements from the previous sentence need to be present – otherwise, we will miss out. At work, we can do 360 evaluations allowing employees to give us feedback anonymously on our leadership style.

This one can be challenging for people who are used to being in control. When low resilience or ego strength is combined with critical feedback, sometimes people react poorly. Remember your power! If you react poorly to well-intended feedback, your subordinate will never try that again.

## **STRATEGIES FOR EFFECTIVE LEADERSHIP**

In addition to developing your self-awareness and empathy, there are several things to do to ensure you remain present and connected when under stress or in conflict. These actions help you become aware of your own thoughts, sensations and reactions. With practice, they can

become default patterns that allow to remain calm and balanced even when in conflict.

### **1. Breathe**

Taking one, mindful, deep breath can help move you from threat defense to safety contentment. When you are not being emotionally hijacked by your sympathetic nervous system, you can engage your prefrontal cortex and stay connected to yourself and the other person. Especially when in conflict with a subordinate, staying in relationship with the other person when we are in conflict is the core of ethical use of power.

### **2. Align**

Aligning is remembering that you are playing on the same team and figuring out where you have common interests and goals. You may have different ideas about implementation or think different aspects are important, but you can align with others by figuring out where there are commonalities. From a basis of common concern, you can build trust and rapport to discuss areas where you diverge.

### **3. "Just Like Me"**

When someone really irritates you, remind yourself that this person is "just like me." Just like you, this person has suffering, worries, joy, insecurities, shame, happiness, loved ones and people who love them. Just like you, this person is an imperfect human being.

This is a short but very deep compassion practice which connects us with our humanity and to others with humility.

#### **4. Self-Appreciation and Gratitude**

Practicing self-appreciation for the things you do well can help with stress and perfectionism. Yes, we make mistakes. We also have many successes.

Similarly, practicing gratitude for the things that others do for you every day, all day long will bolster the positivity in your relationship with them.

#### **5. Calm your body throughout the day**

Proactively address stress and calm it throughout the day. Take a moment to stretch or use a foam roller to work kinks out of your muscles. Take a walk (if you can). Spend five minutes doing deep breathing. Use the time it takes to wash your hands to really notice the warmth of the water and the sensation on your skin. Calming your body goes a long way towards calming your mind.

#### **6. Repair**

We can do our best and still fail. That is the nature of life and leadership. When we fail in interpersonal relationships and cause harm, we can ask for an opportunity to repair.

When we know we have caused harm or a rupture in a relationship, first, **calm yourself** and then reflect: what could I have done to get to a better outcome?

Next, ask the other person for an opportunity to repair. Acknowledge it didn't go as you would have liked and ask for an opportunity to repair the relationship.

When you both have time, are not pressured or stressed, meet one on one. Here are the steps to repair:

First, acknowledgement: listen to the other's experience, validate their feelings, and acknowledge your part.

Second, ask if the other wants to know your intent. If so, summarize concisely; do not go on and on. This is an opportunity to let the other person know that your intent was innocent, not to monologue for several minutes.

Third, express regret. Let them know you are aware you could have handled the situation differently.

Fourth, articulate what you learned from this process. "I've learned \_\_\_\_\_ and I will do \_\_\_\_\_ differently in the future." You could also ask, "if this comes up again, how do you want me to handle it?"

Fifth, ask the other person, "is there anything else you need to put this to rest?" Hear them out if there is.

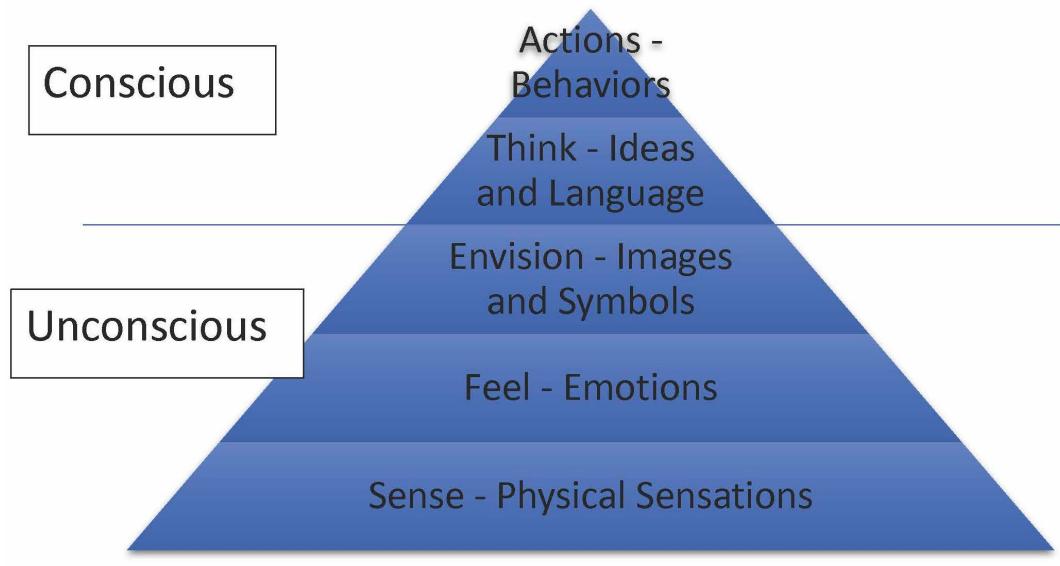
The most common obstacle to repairing is a fear that admitting being wrong will lessen respect from others for you. The opposite is true. If you have caused harm with misuse of power and you can apologize and then do better, you will engender nothing but increased respect and trust.

## **FINALLY...**

We can only control our own behavior, not the behavior of others. We can commit to our own values around discourse, civil behavior, and the rational operation of justice.

We can remain steadfast to our values even when it becomes difficult, humbly accepting feedback to keep us on track. We can remember we are all biological organisms trying to do our best. We can look at others and remind ourselves, "just like me."

## TAKEAWAYS



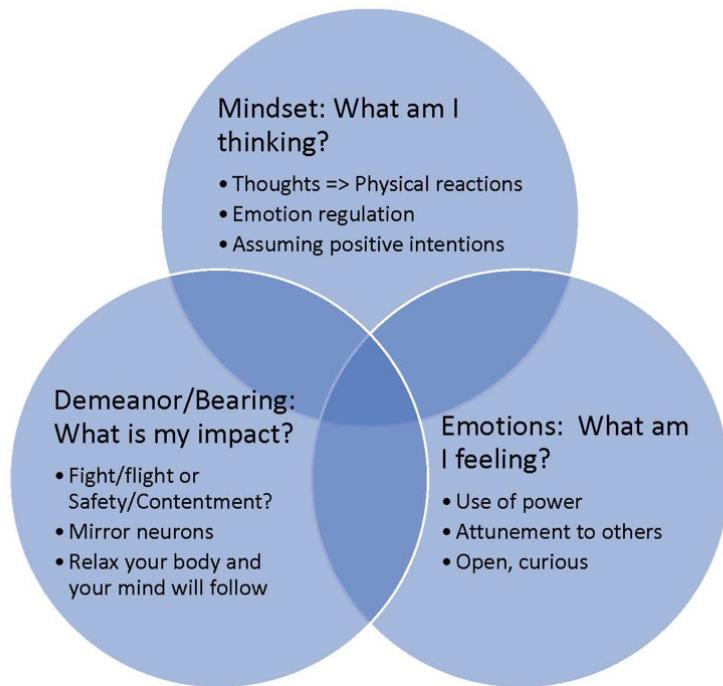
The more we can understand our physical sensations, our emotions, and our patterns, the less unconscious our behavior and the more accountable we are with others.

For each of the three domains, ask yourself the following questions:

- **MIND:** What am I thinking?

- **BODY:** What is my demeanor and bearing?
- **EMOTIONS:** What am I feeling?
- **INTEGRATION:** Am I inspiring trust?

INTEGRATION: Am I inspiring trust?



## End Notes

---

<sup>i</sup> Alexis de Tocqueville, Democracy in America Volume I 283.

<sup>ii</sup> Deborah L. Rhode, Lawyers as Leaders (Oxford University Press, 2013)

<sup>iii</sup> Larry Richard, J.D., PhD., Herding Cats: The Lawyer Personality Revealed.

<https://www.managingpartnerforum.org/tasks/sites/mpf/assets/image/MPF%20-%20Herding%20Cats%20-%20Richard%20-%203-5-121.pdf>

<sup>iv</sup> Richard, at 6.

<sup>v</sup> Sala, Fabio, Executive Blind Spots: Discrepancies Between Self- and Other-Ratings. (Consulting Psychology Journal: Practice and Research, 2003).

<sup>vi</sup> Dr. Cedar Barstow, Right Use of Power: the Heart of Ethics (Right Use of Power Institute, 2005)

<sup>vii</sup> <https://www.rickhanson.net/how-your-brain-makes-you-easily-intimidated/>

<sup>viii</sup> Marshall B. Rosenberg, PhD, Non Violent Communication: A Language of Life (Puddle Dancer Press, 2015)

<sup>ix</sup> <https://positivepsychology.com/self-awareness-matters-how-you-can-be-more-self-aware/#increase>