

The Court Leader as “Internal Consultant”

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What skills do court leaders need to respond to new challenges or establish new programs? Court administrators may find it useful to acquire the skills that a consultant brings to a project.

Court leaders—judicial officers and administrators—necessarily analyze how the court is functioning. This arises from responsibility for budget justification, program implementation, or performance review. This article suggests that court leaders need to embrace the practices of a consultant by becoming an “internal consultant.”

Consider these scenarios in support of having skills as an internal consultant:

- Your presiding judge wants to replicate an innovative program that was profiled in *Trends in State Courts*.
- Your executive team has determined that the organization should reengineer some aspect of operations for greater efficiencies.
- The judicial committee has requested that the court submit a grant for a specialty program.
- A court has fallen into challenging times, the result being some type of operational urgency (e.g., a leadership void, lack of adherence to time standards, laxness in caseflow management practices, or growing case backlogs), and court leadership needs to create a way out of a crisis.

Each of these scenarios will generate activities involving some level of analysis and strategizing. Each will promote assessment, planning, and consideration of the issues at play. These actions mirror the skills of the consultant.

A review of [Trends in State Courts 2015](#) illustrates concepts that require analysis (also reflecting typical consulting skills):

- applying principles
- balancing transparency
- collaborating with partners
- examining practices
- innovating
- integrating processes
- transforming operations

The conclusion and assertion: Current and future court leaders need to adapt consultant skills and become internal consultants. What are the typical court leadership challenges? What are the commonly accepted court leadership competencies? And what knowledge, skills, and abilities are needed to emulate consulting traits and practices?

Let us first consider typical court leadership challenges:

- leadership and governance
- technology use
- organizational capacity for change
- access to justice and court services
- resource acquisition and management
- juvenile justice
- needs of vulnerable adults and victims of human trafficking
- court improvement and innovation

More evidence of the need to adopt consulting traits comes from the recent “[State of State Courts 2015 Poll](#).” The poll was conducted on behalf of the National Center for State Courts (NCSC) by GBA Strategies. A total of 1,000 registered voters were surveyed between October 26-29, 2015. The survey included such topics as

political bias and the judiciary, unequal justice, and procedural fairness. When survey respondents were asked about the need to change how courts operate:

- 49 percent indicated that “courts are failing to do their job and need to completely revamp how they operate”
- 60 percent indicated that “courts are falling behind and need to do a better job of adopting new technologies to break down barriers between the public and the courts” (see GBA Strategies, “[Analysis of National Survey of Registered Voters](#),” report for NCSC, Williamsburg, Va., November 17, 2015, p. 6)

It seems that court professionals need to redouble efforts to implement change by using consulting skills.

The knowledge, skills, and abilities that court leaders should possess have been well documented. Among them are the CORE Competencies© from the National Association for Court Management (NACM), education topics in programs as provided by NCSC’s Institute for Court Management, and courses offered by Michigan State University (MSU). A summary topic listing (adapted from these entities) is noted below.

NACM CORE Competencies©	NCSC’s Institute for Court Management Course Topics	MSU’s Judicial Administration Program
<ul style="list-style-type: none"> • Public Trust and Confidence • Purposes of Courts • Leadership • Strategic Planning • Court Governance • Caseflow and Workflow • Operations Management • Public Relations • Educational Development • Workforce Management • Ethics • Budget and Fiscal Management • Accountability and Court Performance 	<ul style="list-style-type: none"> • Caseflow Management • Human Resources • Managing Technology • Managing Financial Resources • Education, Training, and Development • Court Community Communication • Purposes and Responsibilities of Courts • Court Performance Standards • High Performance Court Framework • Leadership • Visioning and Strategic Planning 	<ul style="list-style-type: none"> • Criminal Justice Research • Trends in Court Planning • Judicial Administration Framework • Budget and Resource Allocation • Workforce Planning • Essential Court Operations • Policy Analysis

If these are the competencies and skills that we in courts strive to demonstrate and master, and have represented by our professional staff, what are the typical skills that a consultant brings to the table? Here is a list of some general abilities, drawn from websites noting consulting knowledge and skills: [Employee Assistance Professionals Association of Los Angeles](#), [Careers-in-Consulting](#), and [About Careers](#): specific or broad expertise; professional knowledge and experience; communication and listening skills investigative and analytical skills; ability to synthesize great amounts of information; creativity and initiative; open-mindedness and neutrality; and optimism and innovation

Why might a court choose to employ a consultant? Reasons may include:

- obtaining expertise not present with current court staff (getting access to professional abilities not offered in-house)
- accessing opinions broader or deeper than those from court employees (tapping into wider, deeper, or larger knowledge bases)
- evaluating processes and practices not possible by using staff due to work demands (overcoming capacity limits of the current workforce to gather and analyze data)
- gaining an “outside” or “second opinion”
- bringing another “voice” to the consideration of change, innovation, or problem resolution (acquiring the ability to say what may be difficult to say)

- Court professionals can and should strive to develop the very same knowledge, skills, and abilities possessed by outside consultants. What are the consultant skills and abilities that court leaders should possess? Here are suggested abilities and skills that make up the desired consulting talents.

Abilities: Be an expert at your topic, field, or areas of responsibility; rise to meet each challenge with energy and enthusiasm; continue personal learning, research, and study; be fearless and practice the capacity to take risks; challenge the status quo; ask questions; do not accept things at face value; and work to break down barriers and establish coalitions.

Skills: Leadership (interest in improving operations); optimism in the face of many challenges (creativity); open-mindedness (comfort with ambiguity); capacity for quick thinking (ease with uncertainty); focus (ability to use data and metrics); political savvy and effectiveness (understanding of complex issues); strength, yet with sensitivity (skill in quickly synthesizing data); patience, yet ability to create urgency (ability to connect with other people); ability to ask nonadversarial questions (nonjudgmental and neutral approach); problem-solving skills (ability to think on one's feet); project management skills (a thick skin); and verbal, written, and presentation communication skills (capacity to withstand criticism and skepticism).

Thanks for those fellow court leaders and consultants who shared ideas on consulting skills.

In 2015 *Governing Magazine* profiled the "Public Officials of the Year," as they do each year, who are noted for their particular abilities (see vol. 28, no. 3, pp. 24-41). It is always a fascinating read to consider the traits that catch the attention of the editors for this annual article. This year's article notes the following traits of public officials, which interestingly parallel the skills of consultants:

- focus on strong leadership and governance
- ability to find "the path forward"
- an understanding of the big picture
- use of common sense
- possession of bold, new ideas and thinking
- impatience with the status quo
- desire to build strong relationships
- interest in professionalizing operations

If these are the knowledge, skills, and abilities needed for strong leadership and consulting skills, how can we in courts attain these? Court professionals could, but certainly do not have to, immediately engage in a program of study to obtain the competencies. Some of the traits can be attained from gaining direct experience, some may come from ongoing awareness and observation of others, and some can be acquired from individual study.

Court professionals may want to consider the following actions to acquire the skills that consultants commonly employ in consulting practice:

- consciously work to develop the consulting frame of mind and approach to address and solve issues (investigative and analytical skills, grasp of data and information, and the ability to inquire and ask nonadversarial questions)
- observe consultants in action (by all means, continue using consultants)
- learn, read, and study reports and materials about court leadership, court project reports, and operational issues documents
- benchmark and review innovations from other courts
- find ways to lift the vantage point beyond today's operational challenge or work issue to see a larger view of leading and applying new ideas

Acquiring and embracing these consultant-related skills will certainly position court professionals with enhanced leadership and consultant-like problem-solving skills.

- Criminal Justice Research
- Trends in Court Planning
- Judicial Administration Framework
- Budget and Resource Allocation
- Workforce Planning
- Essential Court Operations
- Policy Analysis

Reports are part of the National Center for State Courts' "Report on Trends in State Courts" and "Future Trends in State Courts" series. Opinions herein are those of the authors, not necessarily of the National Center for State Courts.