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SUCCESSFUL LEADERSHIP IN TIMES OF CRISIS

The Hon. Carl B. Ingram
Chief Justice of the High Court
Republic of the Marshall Islands

INTRODUCTION

We have just heard from the Hon. Justice John Mansfield, AM, Federal Court of Australia, about climate change, fire, and earthquakes and the risks that they pose to our countries and to our courts. Crises such as these are something that all judiciaries—and all judicial leaders—face from time-to-time. Whether the crises are natural, such as typhoons, earthquakes, and floods, or they are man-made, such as bombs, arson, and assaults, when a crisis strikes, we, as court leaders, need to be prepared to meet the challenge. For our duty, even in times of crisis, is to maintain the rule of law through independent judiciaries—judiciaries that fairly, efficiently, and effectively dispose of cases properly brought before them. To this end, my presentation addresses the question, “How do successful leaders respond to crises?”

Although much can be said, and has been said, on the subject of leadership, experience reveals at least five practices that successful leaders, including judicial leaders,¹ use to meet the challenges that crises pose.

- First, successful leaders prepare for the more foreseeable emergencies.
- Second, as soon as practical after a crisis begins, successful leaders are present, visible, and engaged. They take command modeling competent, calm, caring, and pragmatic leadership.

¹For judiciaries, one of the best resources on crisis management is a DVD produced by the United States Federal Judicial Television Network, *Leading in Times of Crisis*. My presentation is heavily informed by the FJTN DVD.

- Third, successful leaders maintain and, if necessary, restore robust lines of communication. And they are accessible.
- Fourth, to meet crises, and if the exigencies of the crises permit, successful leaders assemble a strong support team, and they use collaborative and empowering problem-solving strategies.
- Fifth, successful leaders regularly review the effectiveness of plans, strategies, and activities with the view of making improvements.

FIVE PRACTICES OF SUCCESSFUL LEADERS

Let's look at each of the five practices in turn, starting with preparing for the more foreseeable emergencies.

1. Planning Ahead

As Pacific court leaders, we can prepare for the more foreseeable emergencies by adapting generic preparedness strategies and plans to the unique needs of our judiciaries. For example, we can design buildings and document storage systems with foreseeable emergencies in mind. We can adopt Occupant Emergency Plans (OEP Plans) to safely evacuate courtrooms and courthouses. And we can adopt Continuity of Operations Plans (COOP Plans) to ensure the continuity and recovery of functions.

Designing buildings and document storage systems

In designing buildings and document storage systems, we have done, and can do, several things to anticipate foreseeable emergencies.

- We can design buildings to be typhoon resistant with key facilities on the upper floors, with tempered windows, and with elevations to reduce water intrusion on the ground floor.
- Similarly, we can design and maintain data systems with continuity and recovery in mind. At the 14th Conference of Chief Justices of Asia and the Pacific held June 2011 in South Korea, we saw how the Judiciary of Korea maintains backup computers south of Seoul, computers that at all times mirror its main computers. Of course, many of our judiciaries, and all of the smaller ones, cannot afford to duplicate what South Korea has done, but

we can have backup document storage systems on-site, using external drives, and off-site, using Internet programs such as DropBox.²

In addition to design efforts, to prepare for the more foreseeable emergencies, court leaders can adopt what are called OEP Plans and COOP Plans.

Occupant Emergency Plans

An OEP Plan, an Occupant Emergency Plan, is a short-term emergency response plan that establishes procedures for safeguarding lives and property in a particular facility and that designates the person in charge (such as a disaster preparedness coordinator).³ The specifics of OEP Plans vary depending upon the threat faced.

If, on the one hand, the threat is to the building and everyone in it, such as a fire, our OEP Plan calls for occupants to do the following:⁴

- sound the alarm (for us in the Marshall Islands, alerting others in a loud voice or with a whistle and calling the fire department);
- only if time permits, complete designated tasks, such as securing confidential documents and cash, commencing the shutdown of computers, turning off the power, etc.;
- unlock, but close, office doors;
- calmly evacuate the building through the nearest exit or, if it is blocked, through another exit, helping those in need if possible;
- if smoke is coming under a door or if a door is hot, don't open it—look for another way out;
- if smoke is present, crawl out;

²The Hon. Geoffrey Eames, Chief Justice of the Republic of Nauru, at a March 2012 meeting of the Pacific Judicial Development Program in Apia, Samoa, introduced members of the PJDP to the online document storage program DropBox that allows users to store documents in the “cloud.”

³See the FJTN DVD, *Leading in Times of Crisis*, referred to in footnote 1.

⁴This listing is given as an example and is not suggested as a guide. The Internet is a good source of officially adopted evacuation plans. For example, see http://www.justice.gov.nt.ca/pdf/Finance/Courthouse_fire_safety_action_plan.pdf.

- go to designated gathering locations;
- follow instructions from emergency personnel and those designated to be in charge in case of an emergency; and
- don't go back into the building until emergency personnel say it is safe.

If, on the other hand, the threat is from someone within the building, such as an angry party or counsel, our OEP Plan calls for occupants to do the following:⁵

- retreat to a secure room (such as, a judge's chambers or conference room) and lock the doors, helping those in need if possible;
- notify the bailiffs/marshals, if they are not already on the scene;
- call the police; and
- follow instructions from emergency personnel and those designated to be in charge in case of an emergency.

Whatever the OEP procedures are, leaders should ensure that all their employees are familiar with the procedures. Regularly (for example, twice a year) schedule unannounced drills. Ensure that employees take drills seriously. Post important emergency numbers and keep the numbers up-to-date. In 2012, when we first tested our procedures, to our surprise the police did not answer their published emergency number. They have since remedied that problem.⁶

An excellent example of how an OEP Plan can save lives is Morgan Stanley's September 11 experience. As leadership author Diane L. Coutu wrote,⁷ on September 11, 2001, Morgan Stanley, the investment bank, was the largest tenant in the World Trade

⁵Again, this listing is only an example and is not intended as an endorsement.

⁶Also to enhance our preparedness, in 2012 the Marshall Islands Judiciary, with funding from New Zealand under the PJDP, developed and adopted Standard Operating Procedures for Court Bailiffs. These procedures include a chapter on how bailiffs should respond to emergency situations, including fire, medical, assault, hostage taking, mass demonstration, and bombing situations. For those who are interested, these procedures can be found on its website at www.rmicourts.org under the heading "Court Rules."

⁷Diane L. Coutu. "How Resilience Works" in *On Managing Yourself*. Harvard Business Review Press, 2010, p. 53.

Center with some 2,700 employees working on 22 floors in the South Tower from the 43rd to the 74th floors. Fortunately, the South Tower was the second of the two WTC towers hit by the terrorists and, fortunately, Morgan Stanley is a company that takes fire drills seriously. Morgan Stanley's Vice President of Security, Rick Rescorla, made sure that Morgan Stanley's people were fully drilled about what to do in the case of a catastrophe. When disaster struck on 9/11, Rescorla was on a bullhorn telling Morgan Stanley people to stay calm and follow their well-practiced drill. Some building supervisors wrongly told their occupants to stay put and that all was well. In the end, all but seven of Morgan Stanley's 2,700 employees made it out safely that day. Sadly, Rescorla was one of the seven who did not make it. But to the credit of this preparedness leader, his plans and drills saved many lives. One should not underestimate the importance of OEP Plans.

In addition to OEP Plans, to maintain or restore essential functions in the face of foreseeable emergencies, courts can adopt COOP Plans.

Continuity of Operations Plans

A COOP Plan, a Continuity of Operations Plan, is a plan that across a wide range of emergencies accomplishes the following:

- ensures the continuous performance of essential functions;
- protects facilities, equipment, records, and other assets;
- reduces or mitigates disruptions to operations; and
- achieves a timely and orderly recovery and resumption of service.⁸

With funding and technical assistance from the United States Government, the American-Affiliated Pacific Island Jurisdictions have developed their own COOP Plans. The Marshall Islands Judiciary's COOP Plan,⁹ for example, does the following:

- establishes clear lines of authority in case of disasters (assigning authority to the High Court Chief Justice, High Court Associate Justice, Chief Clerk of the Courts, and Presiding Judge of the District Court, in that order),

⁸See the FJTN DVD, *Leading in Times of Crisis*, referred to in footnote 1.

⁹The Marshall Islands Judiciary's Continuity of Operations Plan can be found on its website at www.rmicourts.org under the heading "Plans and Reports."

- establishes time-phased implementation, adaptable to the nature of the crisis (for example: 0 to 12 hours, alert employees and “critical customers”; 12 to 24 hours, transition to the alternate facility; 24 hours to termination, notify employees that the emergency or threat is over and issue instructions for the resumption of normal operations),
- identifies alternative sites and facilities for the continuation of essential functions (for the Judiciary in Majuro, the International Convention Center and the Nitijela (Parliament) conference rooms),
- assigns responsibilities for essential functions to court personnel (for example, taking drive-away/relocation kits to the alternate site), and
- prioritizes judicial and administrative functions depending on the length of the disruption (such as issuing warrants and paying vendors).

However, as important as planning and preparations for foreseeable emergencies are (be they building and information system designs, OEP Plans, or COOP Plans), they may not be sufficient for the crisis at hand. Additional strategies may be required to meet a crisis: be it foreseeable, unexpected, or unthinkable. This is where the other four practices of successful leaders, starting with being present on the scene, come into play.

2. Commander-in-Chief, Comforter-in-Chief

In times of crisis successful leaders are present, visible, and engaged. They take command, modeling competent, calm, caring, but pragmatic leadership.

They model competence

- by being on the scene and engaged, asking those affected what they need and honestly seeking to understand their feelings and perspectives;
- by addressing people’s urgent needs, consistent with the law and shared values and principles; and
- by being decisive.

They model calm demeanor, knowing that emotions are contagious. A leader's demeanor will affect others for better or worse.¹⁰ This is particularly true in times of crisis. Think what might have happened had Morgan Stanley's Rescorla not projected a calm demeanor on 9/11. The resulting chaos would surely have cost many more lives. Successful leaders are self-aware and self-controlled, identifying and avoiding their own unproductive behavior under pressure (such as blaming others or losing their temper).^{11, 12}

Successful leaders model caring and comforting leadership. They don't disregard or minimize people's emotions and concerns. Like President Obama hugging and comforting grieving parents in the wake of the deadly Sandy Hook Elementary School shooting, successful leaders are understanding. They are empathetic.¹³

Some chief justices and other court leaders are not comfortable with, or practiced at, being "caring" and "empathetic." They see themselves as "strong," not "soft," leaders. Does this describe someone you know? To be successful leaders in times of crises, being empathetic is something we may need to work on. It does not mean being "soft" in a pejorative sense. But it does mean understanding and appreciating the feelings of others.

In addition to being empathetic, successful leaders model pragmatic leadership. Hard decisions may have to be made. After a crisis, some colleagues may require counseling or relocation, and some services of the organization may temporarily or permanently be curtailed. Successful leaders balance empathy and optimism with realism. They are realistic in their

¹⁰Daniel Goleman, Richard Boyatis & Annie McKee. "Primal Leadership: The Hidden Driver of Great Performance" in *On Managing Yourself*. Harvard Business Review Press 2010, pp. 174-78.

¹¹Robert S. Kaplan. "What to Ask the Person in the Mirror" in *On Managing Yourself*. Harvard Business Review Press, 2010, pp. 163-65.

¹²Daniel Goleman. "What Makes a Leader?" in *On Leadership*. Harvard Business Review Press, 2011, pp. 11-14.

¹³Daniel Goleman. "What Makes a Leader?" in *On Leadership*. Harvard Business Review Press, 2011, pp. 16, 18.

assessment of the situation, while having faith that they will prevail.¹⁴ In time of crisis, it is better to be sober and realistic, than to be overly optimistic and later demoralized.

A classic example of a successful leader in a time of crisis is New York's Mayor Rudy Giuliani's handling of the 9/11 attack. He was seen near the World Trade Center towers during the attack. He was highly visible after the attack coordinating the local and federal relief response. He made frequent appearances on radio and television. He was hailed by firefighters as "General Giuliani." He was "America's Mayor." He was the 2001 *Time* magazine "Person of the Year."

By modeling competent, calm, caring, and pragmatic leadership, a leader can gain "moral authority" to supplement his or her "formal authority." "Moral authority" can reward a leader with the enthusiastic participation of colleagues and other stakeholders. This enthusiasm, in turn, can help bring about a successful response to the crisis. Formal authority, and mere compliance that sometimes comes with it, may not by itself be enough.

3. Talk to Me

The third practice of successful leaders in times of crisis, after preparation and an active presence, is anchored in connectivity. Successful leaders maintain and, if necessary, restore a robust notification network, and they are accessible.¹⁵

A robust notification network can include regularly tested phone trees, email trees, websites, and emergency numbers. If cell service is available, cell phones and smart phones can be used effectively. The goal here is to make sure where everyone in your organization is and to learn their status and needs (including basic needs, such as food, clothing, shelter, and emergency medical care).

In addition, successful leaders are accessible to others. Their open communication style enhances the motivation, commitment, and performance of those with whom they work. Their communications style leads us to the fourth practice of successful leaders.

¹⁴Diane L. Coutu. "How Resilience Works" in *On Managing Yourself*. Harvard Business Review Press, 2010, pp. 50, 52; Jim Collins. "Level 5 Leadership" in *On Leadership*. Harvard Business Review Press, 2011, pp. 119, 124.

¹⁵ See the FJTN DVD, *Leading in Times of Crisis*, referred to in footnote 1.

4. Get the Right People on the Bus and in the Right Seats

As circumstances permit, successful leaders assemble a strong support team, and they use collaborative and empowering problem-solving strategies to meet the unique challenges of any particular crisis, whether foreseeable, unexpected, or unthinkable.

Successful leaders don't try to do it all themselves. They gather around them a powerful support team. They get the right people on the bus and in the right seats.¹⁶ The team should be

- small enough to be manageable and take action quickly;
- large enough to include or network with key insiders and stakeholders (including other judges, staff, bailiffs/marshals, attorneys, other branches of government, the media, etc.);
- diverse enough to provide differing perspectives (to avoid blind spots)¹⁷; and
- inclusive enough to have someone who will give the leader honest feedback (again, to avoid blind spots).¹⁸

For a small judiciary, such as the Marshall Islands Judiciary, in times of crises, the support team may include as few as three to four persons.

With a strong support team, successful leaders consult colleagues, being as inclusive, collaborative, and empowering as the situation permits. Why? Because participation by colleagues in identifying problems and possible solutions will enhance their motivation, commitment, and performance in the recovery effort. This is particularly important when working with fellow judges, who may not be subject to the chief judge's direct supervision.¹⁹

¹⁶John P. Kotter. "Leading Change" in *On Managing Change*. Harvard Business Review Press, 2011, pp. 7-8; Jim Collins. "Level 5 Leadership" in *On Leadership*. Harvard Business Review Press, 2011, pp. 119, 124.

¹⁷Bill George, Peter Sims, Andrew N. McLean, and Diana Mayer. "Discovering Your Authentic Leadership" in *On Leadership*. Harvard Business Review Press, 2011, pp. 172-75.

¹⁸Robert S. Kaplan. "What to Ask the Person in the Mirror" in *On Managing Yourself*. Harvard Business Review Press, 2010, p. 159.

¹⁹R. Dale Lefever. "The Integration of Judicial Independence and Judicial Administration: The Role of Collegiality in Court Governance" in *The Court Manager*, Volume 24, Issue 2, p. 5.

Next, successful leaders collaborate with and empower (that is, delegate authority to) colleagues. They can do so in several ways.

- a. Successful leaders lead their team in developing a shared diagnosis of the problems and what must be done.²⁰ They begin to mobilize the commitment necessary to accomplish the tasks at hand.²¹
- b. Successful leaders lead in selecting two or three Wildly Important Goals (WIGs) consistent with the law and shared values. Why only two or three WIGs? So as not to confuse. You want everyone focused on the same goals.²² We frail humans can only juggle so many balls at once.
- c. Successful leaders help develop a shared action plan with objectives, responsibilities, and schedules that allow any person at any level of the organization to describe how their responsibilities and actions contribute to the action plan²³ and are consistent with the shared principles and values.
- d. Successful leaders delegate execution, remove obstacles, and encourage risk taking. They engage in what can be called “Stewardship Delegation,” as opposed to “Gopher Delegation.”²⁴ As leadership author Stephen R. Covey explained, leaders who use “Stewardship Delegation” do not micro-manage. Instead, they apply the following techniques:

²⁰Deborah Ancona, Thomas W. Malone, Wanda J. Orlikowski, and Peter M. Senge. “In Praise of the Incomplete Leader” in *On Leadership*. Harvard Business Review Press, 2011, pp. 185-87.

²¹Michael Beer, Russell A. Eisenstat, and Bert Spector. “Why Change Programs Don’t Produce Change” in *On Managing Change*. Harvard Business Review Press, 2011, p. 186.

²²Stephen R. Covey. *The 8th Habit: From Effectiveness to Greatness*. Free Press, 2004, p. 281.

²³*Id.*, p. 286.

²⁴Stephen R. Covey. *The 7 Habits of Highly Effective People*. Free Press, 2004, pp. 173-181.

- (i) Desired Results. First, they create “a clear, mutual understanding of what needs to be accomplished, focusing on what, not how; results, not methods.” They trust their colleagues and staff to decide how to accomplish the task.
- (ii) Guidelines. Second, without dictating method, they identify the parameters within which those delegated responsibilities should operate (for example, applicable rules and regulations, shared organizational values, etc.). And they alert their colleagues to past missteps and potential failures.
- (iii) Resources. Third, they identify the human, financial, technical, or organizational resources upon which their colleagues can draw. If necessary, they make additional resources available, including “coaching.” They remove obstacles. They encourage risk taking.
- (iv) Accountability. Fourth, they set up performance standards and times for reporting and evaluation. To assist them evaluate results and encourage performance, successful leaders create a compelling scoreboard. They do so by identifying key measurements and making a visual representation of them (for example, a graph, thermometer, speedometer, or scale).²⁵ They do so because people act differently when someone is keeping score.
- (v) Consequences. And fifth, effective leaders specify what will happen, good and bad, as a result of the evaluation.

This delegation process is what Covey calls “Stewardship Delegation,” which he contrasts with mere “Gopher Delegation”: go do this, go do that.

This collaboration and empowerment, from diagnosing problems to implementing solutions, will deepen commitment to and alignment with the action plan, which in turn will enhance performance.

²⁵Stephen R. Covey. *The 8th Habit: From Effectiveness to Greatness*. Free Press, 2004, pp. 284-86.

5. Evaluate and Adjust

Finally, with respect to any action taken—be it based upon existing plans for foreseeable crises or ad hoc plans to address unexpected crises—successful leaders periodically evaluate results and make changes as needed. In a crisis, they may do so every two weeks. Adjustments may be significant or they may be small and incremental. Successful leaders and organizations institutionalize their review process.

CONCLUSION

In summary, experience reveals at least five practices that successful leaders use to meet the challenges that crises pose.

- First, they prepare for and have plans in place to deal with the more foreseeable emergencies.
- Second, they are present, visible, and engaged, as soon as practical after a crisis begins. They take command modeling competent, calm, caring, and pragmatic leadership.
- Third, they maintain and, if necessary, restore robust lines of communication. And they are accessible.
- Fourth, to meet crises, and as the exigencies of the crises permit, they assemble a strong support team, and they use collaborative and empowering problem-solving strategies.
- Fifth, they regularly review the effectiveness of plans, strategies, and activities with the view of making improvements for the future.

I am sure that, as court leaders, you all have faced any number of crises: typhoons, earthquakes, fires, and the like. I would be very interested to hear what has worked for you and what you think of the strategies and practices I have outlined in this presentation.

Thank you.