

Driving Fear Out of the Workplace

Daniel K. Oestreich

According to the most recent JERITT publication *Issues and Trends in Judicial Education 1995*, "the vast majority of state judicial education organizations see judges in their state as their primary constituent group, although not their exclusive clientele group." This two-part article focuses on building high trust organizations pertinent to judicial educators. A good deal of our work entails effecting change, be it individual or organizational. As judicial

educators we need to be reminded to evaluate our own immediate work environment. This is a wake-up call, of sorts, to assess whether our judicial systems are operating at peak performance. Daniel Oestreich offers valuable insight into improving organizational quality and reducing destructive behavior.

Cultures for Quality

My colleague Kathleen Ryan and I became interested in the phenom-

enon of workplace fear in the late 1980s. As consultants and trainers, we noticed fear was a significant barrier to organizational change and improvement. In particular, we were impressed that W. Edwards Deming, the patriarch of the quality movement in Japan and in this country, noted the need to reduce fear as one of fourteen points for transforming organizations. According to Deming, quality is impossible in an environment where people do not feel free to speak up, ask questions, or suggest change.

The world has continued to shift since publication of our book *Driving Fear Out of the Workplace* in 1991. Perhaps more than ever, organizations are searching for ways to adapt to change, improve productivity, reduce costs, and become more customer-driven. Few workplaces have not felt the belt-tightening or experienced the sense that old structures are crumbling. The quality movement itself seems to have been superseded by more drastic forms of change, such as re-engineering. Shock waves of layoffs across the country have taught us that no industry is sacrosanct, no job guaranteed.

External economic pressures are changing the "psychological contract" between employees and their organizations. The old world in which one could expect to work a lifetime for a company, where employees were "entitled" to some stability, progression, and reward for being good workers, is now dead. Now organizations struggle

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Daniel K. Oestreich is president of Cultures for Quality, Inc., an organization development consulting practice based in Redmond, Washington, which he shares with co-author, Kathleen Ryan, and business partner, George Orr. The

book *Driving Fear Out of the Workplace* was published in 1991 by Jossey-Bass, San Francisco. It won the 1992 national book award from the Society for Human Resource Management.

Transitions



Jennifer Fasy has joined the Utah Administrative Office of the Courts as Associate Director of Education. Jennifer has

a variety of prior work experiences, including teaching at the college level, administration in the legal environment, and meeting planning. She oversees

all employee education for the courts in Utah, including career track programs for clerks and probation officers.

Michael Runner resigned as assistant director of the California Center for Judicial Education and Research to pursue a degree in landscape architecture.

James Drennan, current director of the North Carolina Administrative Office of the Courts, will be returning to his position at the Institute of Government in August 1995. ■

PRESIDENT'S COLUMN

V. K.-Wetzel



It doesn't seem possible, but I have already concluded my term! NASJE bylaws changes, which became effective at the time of my election as president, shortened the president's tenure from two years to one. I was the first president to serve only one year and will be the last one to have been directly elected specifically to the office of president, since the 1993/1994 bylaws changes also call for future automatic succession from vice-president to president-elect to president. The advantage of the latter change, of course, is that we know in advance who the next two presidents will be. The disadvantage of the term-length change may be that a one-year tenure is too short for a president to commence and follow through with initiatives in and for our voluntary association, which operates without the benefit and continuity of paid association staff. The board agreed that NASJE should formally revisit the presidential term-length issue after monitoring and evaluating the pros and cons of the new shorter term during the first three one-year presidents' service. After Karen Waldrop Thorson's term ends in the fall of 1997, we will formally consider whether it is more productive for NASJE's affairs, external relations, and members to go back to the former two-year presidential terms.

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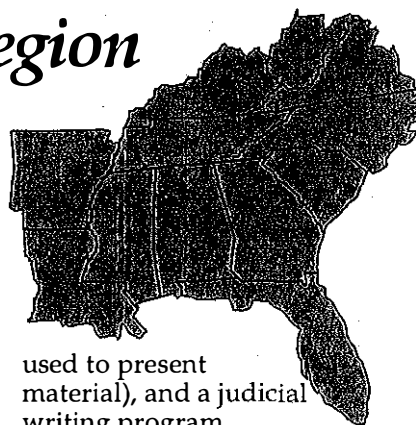
REGIONAL NEWS

Southeastern Region

Things got exciting at a Kentucky training session recently. During "Safety and Security in the Workplace" training for court clerks, staff staged a purse nabbing in the meeting room to prompt participants to describe the thief. They failed to plan for the response from one clerk, which was to "nab the nabber!"

On the technological front, Kentucky has been using a responder system in many judge and clerk programs and using an Imager to project computer screens for instruction on statewide court automated case processing systems.

Mississippi reports that it joined Louisiana for a judicial conference on "Challenges for the Courts" and with Arkansas and Tennessee judges and educators for a meeting on biomedical ethics. Successful programs have covered sexual harassment, the hostile work environment (in which cartoons were



used to present material), and a judicial writing program.

For the first time in North Carolina history, trial judges, appellate judges, and legislators met for the North Carolina Judicial Conference, where 198 participants discussed the future of the North Carolina court system.

In collaboration with the State Office of Behavioral Health Services, West Virginia held six regional interdisciplinary seminars on best practices in involuntary mental hygiene commitment proceedings for judicial officers and behavioral health professionals. ■

American Bar Association's UIFSA Project

The goal of the American Bar Association's UIFSA Project is to improve judges' handling of interstate child-support cases. To achieve this objective, the ABA project will develop curriculum on the new Uniform Interstate Family Support Act (UIFSA) for use by judicial trainers. Because the act supersedes the Revised Uniform Reciprocal Enforcement of Support Act (RURESA), even the most experienced judge will require training on the act's major changes.

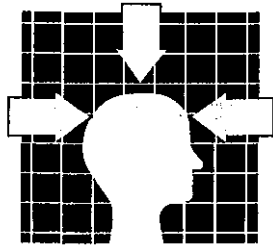
An advisory board will play an active role in deciding on curriculum design and content and reviewing drafts of the curriculum. The curriculum will include several modules of varying lengths, overheads, and case hypotheticals. The training design will emphasize interactive presentations. The overall curricu-

lum will consist of 1.5 days of judicial training on UIFSA.

The project plans to pilot the curriculum in two states. The purpose of one pilot will be to test the substantive content of the curriculum. Trainers will be project staff. The purpose of the second pilot will be to test the usefulness of the curriculum to a judicial trainer. Therefore, the training will be presented by a third party, using selected modules of the draft curriculum. The project director will also work closely with NASJE to include a presentation on the curriculum (not an actual delivery of the curriculum) in conjunction with NASJE's annual conference.

Based on the feedback from the pilots, the curriculum will be revised and presented at an invitational

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Caution . . . This Is a "Brainbreak" Zone!

Jack Wolf

When was the last time you were able to pay attention to someone for forty-five minutes? Go back to your high school and college days. Can you recall the material you learned when you were inside the classroom? Now go back again. Can you remember sporting events, clubs, and activities you participated in at the time? You bet! How about the first car you drove or the first person you dated during that time in your life? Of course! Adults can pay attention with retention for eight to twelve minutes



without taking a . . . you guessed it, a **brainbreak!** What's a **brainbreak?** A **brainbreak** is a way for your brain to disengage, process the information, maybe even store it where it needs to be stored, and then re-engage with the instructor.

What does the above information have to do with adult education?



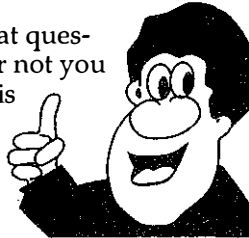
Everything! According to research studies, adults can pay attention for forty-five

minutes. That's the good news!

Another question! Is there anybody out there that talks to themselves? Is there anybody out there that does not talk to themselves? Is there anybody out there reading this article asking themselves, "I don't know if I talk to myself . . . do I really talk to myself . . . I'm not sure?! Well, the voice

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inside of you that questions whether or not you talk to yourself is . . . you guessed it, your self-talk voice.

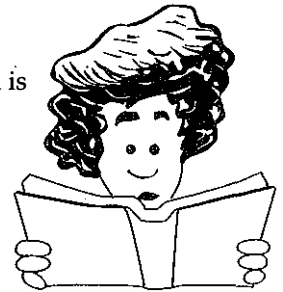


So now, we combine **brainbreak** with our self-talk voice and that wonderful combination adds up to . . . you guessed it . . . people disengaging from our lectures and going somewhere inside. When they're good and ready, they'll come back to get more information or to pay attention to something else that gets their attention more than we do as instructors.

While I'm at it . . . here's some bad news about training manuals. What was the association we had as children with being read to from ages one through six? You bet! We were read to to make us sleepy. Have you ever been reading a recreational book of your choice only to find your eyes glazed over in the middle of the page? The old association of "reading equals go to sleep" comes back to haunt us as adults. So . . . when we get the participants in our classes to disengage from our lecture with overheads, we then send them into a manual to read material that may be putting them to sleep anyway.

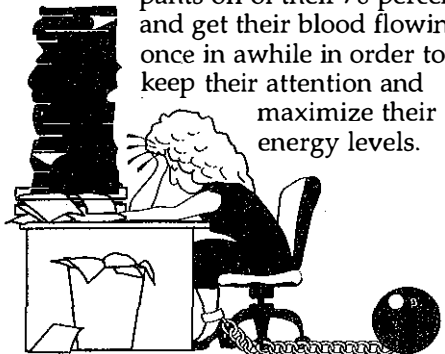
Research on the subject of adult retention shows that the recall of

lecture material is less than 10 percent of the total retained subject matter.



The recall of material that was lectured, modeled, and practiced by the participants increases to up to 75 percent. One of my favorite sayings in adult education is "Tell them, show them, and let them!" This saying means you first "talk" the material to the participants. You then model or show examples of the content or theory. Finally, let the participants practice using the information and how it will apply in their own lives.

A final point on **brainbreaks**. Seventy percent of the weight of your body is centered in a four-inch square at the base of your spine when you are in a sitting position. So . . . you need to get your participants off of their 70 percent and get their blood flowing once in awhile in order to keep their attention and maximize their energy levels.



Let's review:

- People talk to themselves (Yes or No?)
- Adults can pay attention for ____ minutes.
- Adults can pay attention with retention for ___ to ___ minutes without a ____ break.
- We must tell them, ____ them, and let them as it relates to delivering content.
- When adults are sitting, they're sitting on ____% of the weight of their body.

The final question is—Can you and will you use this new information in your next class? Good luck! ■

Nonjudicial Mentoring: Developing a Mentoring Program for Clerks of Court

R. Michael Pack

This article describes the development of the nonjudicial mentoring program implemented by the Kentucky Court of Justice for its circuit court clerks. Ideally, the Kentucky Circuit Court Clerk Mentor Program is an active and integral component of new clerk orientation. However, a program's success is directly proportional to the involvement and dedication of its participants. I wish I could record here our great triumphs on the field, and there are some, but reality demands that I admit mixed results.

Planning and Overview

The goal of the Kentucky Circuit Court Clerks' Mentor Program is to "strengthen and raise the professional standards and image of the office of the circuit court clerk and to promote the importance of a unified court system." The need for a nonjudicial mentor program was identified in 1990 through a strategic planning session involving Education Services and the Circuit Court Clerks' Education Committee. Statewide elections in November 1993 proved the obvious target date for program inception. Training of the first mentors would occur the two days immediately preceding the Circuit Court Clerks' Annual Conference in November 1993, just after the elections. Holding the training in conjunction with the annual conference would defray transportation and meeting space costs. The Clerks' Education Committee was enthusiastic about this project, but enthusiasm often fades as the actual work involved with a program of this scope materializes, and this proved to be the case in some instances.

Rita Culbertson, manager of Education Services for the Kentucky Administrative Office of the Courts,

designed what has proven to be a largely successful mentoring program for circuit court clerks. The mentoring program was implemented in November 1993 when a large infusion of new circuit court clerks was expected in the general election. Rita searched the available resources in vain for a comparable program to serve as a model for the Kentucky effort. Unable to locate a nonjudicial mentoring program, Rita decided to use Florida's judicial mentoring program as her guide. Subsequently, she asked Blan Teagle, of the Legal Affairs and Education Division of the Office of the State Courts Administrator, to serve as the mentor trainer. Blan was not only familiar with the Florida program Rita sought to emulate in part, he also has had extensive experience developing training programs. She also relied heavily on "Mentoring in the Judiciary" by Maureen E. Conner and William A. Anderson as the basis for the development and design of the mentoring program.

Becoming a Mentor (Asking for the Ideal)

The Circuit Clerks' Education Committee appointed a subcommittee to coordinate with Education Services in developing the Mentor Program. Nomination of potential mentors was made either by the Mentor Subcommittee or by another circuit clerk. Each nominee must have a minimum of five years' experience as a circuit court clerk with demonstrated knowledge of the duties and responsibilities of the Office of Circuit Court Clerk. Potential mentors identified for training should be willing to serve, be an effective communicator, and possess an excellent personal and professional demeanor. Other factors considered in the mentor selection process included a requirement that the mentor must be an active member of the Circuit Court

Clerks' Association, be open-minded to new ideas that could improve the justice system, and have a desire to see continued improvement of the justice system. The selection process was intended to be nondiscriminatory to others regardless of sex or ethnic origin.

Only the chief justice may appoint a mentor from the nomination list. Each mentor selected by the chief justice in October 1993 was required to participate in the training session designed by Rita and Blan.

Mentor Training (Conveying the Ideal)

The actual mentor training conducted by Blan was highly participatory. He used brainstorming techniques to enable the participants to identify the most desirable qualities of a good teacher, listener, and supporter. Blan lectured on interpersonal communication skills before having the mentors role-play difficult question scenarios. One of the most important products of the training session was a checklist of topics identified by the mentor participants for discussion with the new clerks assigned them. The mentor training was successful because Blan approached and conducted the session in a noninvasive manner. The training session was part education, part planning meeting. Mentors were given an opportunity to design a continuing service for their fellow clerks, thus enhancing the personal value of the program.

The training session for the mentors garnered commitments from experienced clerks for the mentoring process, and a willingness of the mentors to serve on a continuing basis. Assignment of mentors was based on comparable office size and geographic location. All assignments were and continue to be made by the manager of Education Services in conjunction with the Mentor Subcommittee.

R. Michael Pack is assistant manager of Education Services for the Kentucky Administrative Office of the Courts.

What are the benefits, if any, of serving as a mentor? Rita identified four advantages to the experienced circuit clerk serving as a mentor: (1) recognition by peers for professional competence, (2) favorable publicity on the local level, (3) personal gratification, and (4) a positive contribution to the entire court of justice. The new clerk will experience the obvious benefits of the mentor-mentee relationship, such as having a willing, knowledgeable

resource on which to draw and rely. The Mentor Program enables the new clerk to become "an effective, efficient contributor to the judicial system" much earlier than previously anticipated. The new clerk recognizes his/her role in the skin of the court of justice, and learns to be a team-minded player. More subjectively, it is hoped the mentor program conveys a higher degree of self-esteem and increased sense of professionalism for the new clerk.

Aftermath (Reality Check)

After almost two years since its inception, the Kentucky Circuit Court Clerk Mentor Program remains an important element of new clerk orientation and education. When asked whether she believes the program a success, Rita replied, "Yes. In fact, the Circuit Court Clerk Mentor Program has been more successful than our judicial mentor program." Rita cites the training/planning session conducted by Blan Teagle as the primary factor in the success of this program. By contrast, judicial mentors did not receive any sort of training or preparation. Evaluations were submitted by mentor and mentee one year following the beginning of their relationship. A common theme cited in the evaluation was the relationship fostered a sense of confidence in the mentee by serving to reassure the new clerk in areas of job responsibility. One new clerk responded, "We exchanged information a lot and I think just the fact of knowing she was there and available to me was very helpful and helped me to remain calm." The most-cited improvement to the program was a desire by new clerks to work in the office of their mentor for at least two days before taking office. On the other hand, one new clerk claimed to have had only one conversation with his mentor . . . on the phone.

Rita also sees room for improvement. She would like to establish an effective means through which to monitor the mentor-new clerk relationship to ensure mentors are fulfilling their assumed responsibilities. She would also like more follow-up from Education Services for both mentors and new clerks to reassure them of continued support and encourage both parties to take full advantage of their opportunity. Rita plans to develop a resource manual for the mentors in the near future. A continual reference will serve to remind the mentors of the importance of the new relationship and their own commitment. It will also act as an outline of duties routinely performed by circuit court clerks.

Bottom Line

The Kentucky Circuit Court Clerk Mentor Program should still be
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Items to Discuss with New Circuit Clerks

Personnel Management

- Establishing Personnel Procedures, Rules, Management
- Learning to Listen
- Laying Ground Rules with Employees
- Delegating/Prioritizing
- Recognizing that Not All Employees Are Competent
- Taking Responsibility
- Relying on Staff Expertise: Have Meetings with Deputies, Ask for Input, Feel for Workload, Overall Division of Labor
- Assigning Workload: Deputies Dealing with Public Over the Telephone: Using Resources

Office Functions

- General Knowledge and Overview of System
- What Is Needed to Prepare for Court
- How to Get Jurors
- Know Court Schedule: Who Is Supposed to Record, Prepare Docket, etc
- Law Library Responsibilities
- Learn About Appellate Process
- Pointers for Getting Through the First Day
- Public Access
- Interpreting the Supply Catalog
- Know Where and How to File Each Division and Type of Case
- Adjusting to Technology
- SUSTAIN
- Issuing Drivers' Licenses

Resources

- Basic Skills: Clerk's Manual
- Personnel Procedures, Rules, Management
- Read Statutes and Rules
- Phone Numbers of AOC and Drivers' Licensing
- Terminology: Warrant and Summons
- Focus (Mental Health)
- Resource Center (AOC Support)

Clerks' Association

- Do Not Panic, Use the Network
- Clerks' Association
- Rely on Other Clerks

Miscellaneous

- Parking



PROFILE

Catherine Lowe

She was sitting on the deck as she spoke. A light fog in San Francisco, as is its wont, began lifting. "The garden is blooming, the begonias are radiant, and the yard is alive with color. Vegetation is huge, green, and blooming all over," she enthused. "She" is Cathy Lowe, the executive director of CJER, the California Center for Judicial Education and Research, who comes by her love of gardens naturally. Her well-traveled and artistic mother had created "a magic environment" in her own gardens at the family home in Kentfield.

California's chief judicial educator comes by her love of education from an early age as well. From the time she sat listening to her British father read Milne's Winnie the Pooh stories, Cathy has been hooked on education. Called by some nuns at one time as their "favorite agnostic," Cathy attended convent schools run by the Dominican sisters from first grade through college. Because Cathy's parents divorced when she was eight, her mother asked the nuns if they would place her on scholarship status due to dwindling family resources. They did so, and Cathy's efforts at maintaining grades and high academic performance were the stimulus that made the scholarship

a reality year after year. "I never paid a dime," she said.

After years at small Catholic girls schools, Cathy was accepted at Boalt Hall of the University of California at Berkeley. The predominant law school population at the time was male. The university was large, and there was considerable student unrest at Berkeley. Needless to say, law school was a completely different experience for Cathy, and the lack of money saw her dropping out after one year.

Her experience with a children's theater after college (at which time Cathy adapted the "Jack and the Beanstalk" story for seventy children), led Cathy to the field of juvenile justice. Starting in a juvenile detention center, leading up through probation, probation supervision, and several management positions in California, Cathy gained extensive management experience. This continued when she moved from California to adjoining state Nevada. Not only did she serve in administrative positions at the Clark County Juvenile Court in Las Vegas and at the State Division of Youth Services, Cathy became a division administrator in the health division at the Nevada Department of Human Resources, as well

as an administrator in the Department of Prisons. While in Las Vegas, Cathy joined a women's group known as "Renaissance Women," founded to aid women in career pursuits.

But education was always a continuing love. Acquiring a master's degree in public administration, summa cum laude, at Golden Gate University in San Francisco, Cathy made it her practice to regularly teach on the university level. With experience at Golden Gate University, University of California at Irvine, University of Southern California, University of Nevada, and Nevada community colleges, Cathy proved her dedication to the academic life.

She proceeded to judicial education where she gained employment with the National Council of Juvenile and Family Court Judges in Reno. Here she served not only as director of curriculum development, but as a faculty person herself on several occasions. In this capacity, Cathy found she gained fascinating perspectives from across the county, and enjoyed, in particular, the opportunity to form creative relationships with judges in developing and implementing new projects. She also found that she cultivated a love for the Midwest as she learned

more about the midsection of our country.

As she sat on the deck, I asked the "convent girl" what it is that she would like NASJE members to know about her. "I would like NASJE members to know that my way of providing leadership is to celebrate what others do," Cathy explained. Indiana appellate judge Linda Cheese once described Cathy as a "balcony person." She saw Cathy as a person clapping for others in their performances. "For example, CJER is a place full of people so bright and so talented," Cathy elaborated. They have themselves, since Cathy's arrival, served as cofaculty with judges in California training programs.

"I would also like to explain that I 'came up the hard way,'" Cathy added. She started working at thirteen, worked the graveyard shift at juvenile hall after her Boalt Hall experience, obtained her MBA while a single parent with no support, and moved when necessary to follow the job market. Cathy was the first person in her class and her family to finish college, let alone receive a master's degree with the highest scholastic standing in the graduate school of public administration.

What was Cathy's first experience with NASJE?

She learned of NASJE at the National Council. In this capacity she spoke with judicial educators, and remembers meeting Maureen Conner when Maureen was the judicial educator in Illinois.

Maureen, in fact, became not only a dear friend, but a strong mentor to Cathy, particularly when Cathy obtained the job as executive director of CJER.

Cathy described her great admiration for Maureen. "She has great intelligence, a sense of humor, and is lodged in a spiritual framework." These attributes also describe Cathy Lowe, who found spiritual centering herself in her twenties, although she always was, and considers herself to be still, a strong fan of the nuns she knows so well. Her own sense of humor is highly cultivated, and her laugh, frequently boisterous, is extremely contagious.

Shortly after she was appointed as executive director in California, the national meeting of NASJE

convened in October 1993 in San Francisco. This provided an excellent opportunity to meet judicial educators from every state. Subsequently, Cathy has been in attendance at other NASJE conferences, and participated in the Advanced Leadership Institute in Washington, D.C. She also hosted a mini-leadership institute in San Francisco, and chairs the Education Committee for this year's annual conference of NASJE in Dearborn, Michigan.

"NASJE is a group where the expectation is that people help each other," Cathy explained. She finds that relationships are close, and there is a trust element among judicial educators that is quite remarkable.

When Cathy became director in California, she was stepping into some large shoes. Paul Li, who essentially started CJER from scratch, and who also was a founding parent for the National Association of State Judicial Educators,

was a difficult act to follow. The shoes were large, literally and figuratively, but Cathy has found Paul extremely supportive in her return to California. Since Cathy has assumed the reins, the budget has been increased, and five new staff members have been added as CJER moves more closely to the California Administrative Office of the Courts.

Cathy is married to John MacDonald, a towering and congenial person, fiercely proud of his Scottish ancestry. Ever ready to celebrate the Celtic connection, John is a regular participant at nearby Scottish games.

An only child herself, Cathy has one daughter, Adriene. Cathy is proud of her daughter, who has made Cathy a grandmother twice. She remains mystified, nonetheless, by Adriene's singing ability. "She must be a throwback to some generation we know nothing about, because no one I know in the family was gifted with

a singing voice, certainly not me," Cathy stated.

Cathy's British father was born in the ancient city of Bath. He had served in the military, in the officer's corps, and was sixteen years older than Cathy's mother. Cathy describes her father as being formal and very English, one who loved bridge and baseball.

Cathy's gardening mother was "really a character. She was exceptionally strong." Although Episcopalian herself, Cathy's mother was herself sent to a convent school, as was her mother, Cathy's grandmother. Perhaps it was her mother's dramatic flair that encouraged Cathy to involve herself in drama while in school. She played Shylock in *The Merchant of Venice*.

Cathy Lowe: "convent girl," "balcony person," "Renaissance woman," and CJER director—a distinct and proud asset to the field of judicial education. ■

Nonjudicial Mentoring, *continued*

considered in its infancy. Problems have arisen that must be addressed before the next wave of mentors are trained. Qualifications for the mentors were designed in cooperation with the Circuit Court Clerk Education Committee. The reality often proves much different though, and educators should expect to have some individuals as mentors who are not as dedicated to the program as others.

The new clerk suffers most when a mentor slacks, which is precisely why a monitoring system of some kind should be considered in the planning stage. At the very least, a new mentor could be assigned when a mentor-new clerk relationship is not fulfilling its potential. Training is essential to the success of any mentor program. Mentors should

become involved at an early stage of the program to promote personal responsibility for the success or failure of the program. A reference manual, in addition to the checklist, should also be considered for

mentor training. A reference manual will serve many functions, not least of which would be to remind experienced clerks of the duties and responsibilities of their office. ■

Learning Objectives

To assign to a newly elected or appointed clerk a veteran clerk whose purpose shall be to:

- Explain and illustrate the positive role of the Circuit Clerks Association and the Kentucky Court of Justice
- Give the new clerk confidence in his/her new role as a circuit court clerk
- Provide 'hands-on' assistance in the office if so requested
- Provide feedback to a new clerk
- Ensure the new clerk is made aware of the various resources that will assist him/her in fulfilling duties and responsibilities

Driving Fear Out of the Workplace, *continued*

to define their future and "reinvent" themselves.

It is not just the private sector that is experiencing these pressures. Government at all levels is under attack to work for its constituencies with more efficiency and solid proof of its effectiveness. There is great mistrust of how public monies are spent and the value of the services that are received—whether at the federal or local levels, whether the agency is large or small. Bureaucracies garner little respect.

The irony is that within this 1990s context, fear has been heightened at the very time organizations need full energy, new ideas, and a commitment to service from every member. It is therefore vitally important that people understand how to reduce fear's destructive effects as the processes of change proceed. Leaders, in particular, need to understand the dynamics of workplace fear and what they can do about it. Without this knowledge, they will stumble and their good intentions will be undermined by an invisible, intangible barrier.

In this article, I want to explore some of the key points found in our book, but I also want to convey some lessons learned since publication. Beginning with a basic definition of fear, the article covers some of fear's more obvious organizational symptoms, signs, and causes. This is followed by a description of survey data my co-author and I collected, and our conclusions about the basic steps leaders can take to regain the organizational energy lost through fear. The article concludes with some pointers for leaders who want to build a high-trust organization, but find the most fundamental barriers to driving out fear are within themselves.

Definitions

The definition of fear Kathleen Ryan and I adopted was: "feeling threatened by possible repercussions as a result of speaking up about work-related concerns." We adopted this definition as a result of our understanding of Deming's point, but also because the fear of

speaking up is an especially good way to access all the types of fear people might be feeling in an organization. By exploring what we are afraid to speak up about, other fears appear, such as the fear of change, fear of failure, and fear of the "boss."

What people do not talk about openly we call "undiscussable" issues, a term borrowed from the work of Harvard organizational theorist Chris Argyris. Undiscussables are issues or problems people hesitate to talk about with those essential to their resolution. It is not that people never talk about undiscussables. They talk about them all the time, but just not in those contexts where they might be risky to deal with. As one Fortune 500 vice-president put it, fear is about "all the time people spend in meetings not saying what's really on their minds." Think of your own experiences discussing potentially sensitive issues with a trusted associate in the hallway, cafeteria, or parking lot, but sensing something negative might happen if mentioned to the people involved.

Our exploration of undiscussables revealed much workplace fear concerns the relationship between leaders and those led. We learned a little fear goes a long way in influencing behavior, sometimes in quite subtle ways. Discerning the cause of undiscussables can be frustrating and emotional work because the topics are sensitive, perhaps even including negative views of one another's performance, reputation, personality, or style. Working with undiscussables is not for the timid.

Along the way, leaders and their teams may have to admit elements of their relationships with one another that cause tension and distance, if not create outright mistrust and conflict. In this process, people must deal with their habits, conscious and inadvertent, that trigger negative beliefs about one another and the organization.

Symptoms of Fear

Determining how much fear is operating in an organization may

take some digging. There are many symptoms that may or may not indicate fear's presence. Some possible symptoms include:

- Labor unrest or morale problems
- Lack of suggestions for improvements
- Turf battles
- "Us versus Them" talk
- Defensiveness, cover-ups, unwillingness to acknowledge mistakes
- People behaving "politically"
- Poor decisions
- Resignation of high-quality people
- Eleventh hour reports admitting that project will not work, or there will be serious problems with costs or schedule
- A very active rumor mill
- Unresolved conflicts

The causes of these and many other similar organizational conditions are worth exploring to find out whether fear is operating. They may represent a clear signal that real problems are not being addressed and that people are concerned about consequences rather than improvement.

Sources of Fear

Where do these fears of speaking up come from? There are several potential, often intertwined sources. Actual events are one cause. These are personal experiences in the past that convince individuals that speaking up will only lead to trouble. The stories of others are also important. Stories of the price someone else paid for trying to deal with an undiscussable topic can have enormous longevity. People can also make private interpretations of one another's motives and behave based on these unshared, often negative conclusions, which can be a major factor in keeping fear embedded in relationships. Finally, negative, cultural stereotypes concerning the "tyrannical boss" and "irresponsible employee" condition people to be tense about what they might face at work.

These factors were at work in the case of a mid-level manager who was part of our research. The manager was faced with adjusting to

a new supervisor whose behaviors raised her suspicions. Her reactions were influenced by the manager's tendency to make sexist jokes and tease people inappropriately, something both she and co-workers experienced. She came to conclude, as a result of these and other behaviors, that the manager was "basically insecure" and needed to be "treated like Mr. Big Guy." As the result of a tense (and unsuccessful) management retreat, she and other members of the work group took on the role of "the little people" dealing with a person they believed to be an insensitive autocrat.

Whether the mid-level manager's interpretation was correct or not, her experience had an important effect on her performance and the performance of those who worked for her. She hesitated to try anything new in her work group. She felt emotionally drained and eventually resentful, helpless, and cynical. She became less supportive of the organization and its needs. The mutually reinforcing elements of personal experience, the experiences of others, personal interpretations, and cultural stereotypes caused both her and her organization to suffer.

Survey Data

To investigate these phenomena in detail, Kathleen Ryan and I, along with a third colleague, George Orr, interviewed 260 people in twenty-two organizations across the country. These were individual interviews or focus groups in small, medium, or large firms in services, manufacturing, and government. In each organization, we tried to interview a vertical slice extending from senior management to front-line employees. We asked people what they had not talked about in the last five years of their work experience, why they had not done so, and what effect their silence had on their work. In the course of these interviews, we also gained data on the kinds of behaviors exhibited by managers and supervisors that cause people to be afraid.

What People Are Not Talking About

About half the undiscussables mentioned had to do with manage-

ment practice, opinions of how management or specific supervisors were behaving or conducting business. These issues related to management's overall competence and technical performance, and, most frequently, treatment of people in the organization. An immediate supervisor's interpersonal style was the most frequently cited undiscussable topic.

On a much smaller scale, yet important, were the performance of co-workers, compensation and benefits, discrimination issues, reorganizations, ill-functioning personnel systems (other than pay), conflicts, bad news of any kind, and several other categories. This general breakdown of undiscussables was similar across organizations and their levels of hierarchy.

Sometimes undiscussable issues can spread across an entire organization. In one firm, for example, we interviewed many people who had been touched by a top-down reorganization that involved layoffs and a shift in business philosophy. Not only was the new business approach something that could not safely be questioned, but top management's decisions and methods for implementing it were also undiscussable, including the dismissal of people and how the "survivors" were expected to cope with increased work loads. One consistent theme we heard from participants in our interviews was a questioning of the company president's motives. Many felt he was streamlining the firm in order to set it up for a takeover, a takeover in which he would personally profit a great deal. Although people throughout the organization knew of this damaging rumor, it was never addressed with (or by) the president, the only person who could have responded in a meaningful way.

The point is not that the reorganization and shift in business philosophy were inappropriate or that layoffs were not inevitable. Rather, the methods used caused a great deal of fear and became a significant morale factor, influencing performance throughout the organization. These methods appeared symbolic of the president's style and his views of the value of people.

Why People Are Hesitant to Speak Up

When we asked our interview participants why they chose not to speak out, they had many reasons. Many reasons were individual. However, 70 percent of the people we talked to mentioned fear of repercussion as one of their reasons. Seventeen percent of the responses also involved the feeling that "nothing will change" as a result of communicating. Smaller percentages related to conflict avoidance or not wanting to cause trouble for others.

When repercussions were mentioned, we clarified with our sample what was meant. Surprisingly, fear of job loss was not the biggest fear. Loss of credibility or reputation was a much greater factor, along with negative effects on career, and a damaged relationship with the boss that might lead to subtle or overt harassment. Other repercussions mentioned included interpersonal rejection, changes in job role, embarrassment/loss of self-esteem, job transfer, and demotion.

Loss of credibility was often regarded as a subtle, untraceable repercussion. It could take the form of being labeled a "trouble-maker" or "not a team player." Such labels might then operate in the minds of supervisors and co-workers and ultimately trigger shifts in vital indicators of success and security, such as job assignments, compensation, participation in key decisions, and so forth.

Along with the subtle side of repercussions, participants also mentioned fear of working in a relationship with an abrasive or abusive boss. Once the relationship with the supervisor had been damaged, people worried that interpersonal communication would change, that there would be put-downs and insults, over- or under-management, or other direct repercussions for "stepping out of line."

Effects of Fear

People very rarely mentioned fear as a positive motivator. Rather, they reported a vast array of negative effects on themselves and their organizations. We specifically asked people about the effect of their

undiscussable concerns remaining unresolved. Their responses were revealing. The high cost of fear included loss of trust and pride in the organization, increases in self-protective behavior, reluctance to do more than was required, making and hiding mistakes, dysfunctional problem solving, loss of self-esteem, and a variety of performance-impairing negative emotions, such as resentment, anger, and cynicism. While these may not be especially measurable, they are dramatic testimony to fear's costly influence.

This influence can be heard in the words of employees from different organizations:

"The Bank has changed its relationship to its employees. Loyalty, trust, and the family sense are gone. It's them and us—they would certainly lay you off tomorrow if it fit a corporate interest. This certainly has reduced loyalty in return. I wouldn't recommend this bank to a friend."—Banking professional

"I lost interest in doing the things I knew I was supposed to do, like pushing my group to do a better job and lower costs. 'Why bother?' was my watchword. Nobody else cared, so why should I? Why not take the easy way out? It was easy to just let things flow. I found myself getting more tentative with people. I didn't communicate much. I stayed in the office more. Relationships were restrained, unsatisfying. This lasted about six months."—Mid-level manager, engineering firm

Behaviors That Create Fear

Our interviews helped us document four factors that cause tension and make people more hesitant to speak up. These are: (1) abrasive and abusive conduct by supervisors and managers; (2) ambiguous conduct; (3) poorly managed personnel systems; (4) and organizational culture, particularly perceptions of top management. The first two generally have the most immediate effect.

Abrasive and abusive behaviors by managers and supervisors can have many subtle shadings. Remaining silent or glaring at an employee can be powerful stressors, along with being abrupt, and snubbing, blaming, and discrediting

people. The effect of these behaviors accumulates with time. A pattern of stressors can be a significant cause of anxiety. More immediate behaviors that stimulate fear include threats about the job, yelling and shouting, and angry outbursts.

By comparison, ambiguous behavior exhibited by managers is a little more difficult to describe. These are behaviors that leave people wondering. The natural tendency to fill in negative explanations where no other credible information is available can make ambiguous behavior as potent a cause of anxiety as abrasive conduct. Specific behaviors that are a problem include: decision-making processes that are, or seem to be, secretive, lack of communication, indirect communication, lack of responsiveness to suggestions, mixed messages, and others.

What Keeps Fear in Place

Given the negative effect of fear, why does it persist in organizations? As we investigated, we found many common threads in the assumptions managers and employees typically make about one another. These assumptions are played out in self-reinforcing cycles of mistrust that involve blaming, making excuses, restricting information and other destructive strategies. For example, managers may consider employees as basically irresponsible or uninterested in understanding "big picture" policy or budget issues. Employees may consider managers insensitive to personal needs and situations and overly protective of their power.

Depending on the circumstance, these assumptions can feed one another. Daily events such as a slippery policy discussion at a staff meeting or a sensitive performance appraisal can easily trigger negative assumptions. These in turn keep the cycle of mistrust spinning and lead to further self-protective behavior.

Building High-trust Work Environments

To break free of the cycle of mistrust, both managers and employees must rethink their assumptions and learn to communicate in new ways. This is much easier to say than to do. The patterns of fear in an organization may run deep, and overcoming them is likely to be slow. Because so much of the dynamic of fear is related to how people view those above them in the hierarchy, the first initiatives need to come from the leaders themselves.

We have developed seven overall strategies divided into many potential action steps. Managers and organization leaders are encouraged to select and combine strategies to best fit the culture and the type of problems fear is causing. The strategies most frequently focus on the relationship between a manager and that person's direct employees. We believe existing work groups and the one-to-one relationships within them are the most important arena for carrying out fear-reduction work.

In the winter issue of the *NASJE News* we will discuss these strategies for driving fear out of the workplace. ■

New NCSC President

The Board of Directors of the National Center for State Courts has named Judge Roger K. Warren, of the Sacramento (California) Superior and Municipal Courts, to be the National Center's new president.

Judge Warren has served in the Sacramento courts for nearly twenty years. In 1993, he was elected as the first presiding judge of Sacramento's Consolidated Superior and Municipal Courts.

Active in judicial education, Judge Warren has chaired the planning committee for the Court Management Course sponsored by the California Center for Judicial Education and Research (CJER) since 1994. Over the last twenty years, he has been a faculty member and seminar leader at the California Judicial Studies Program, the California Judicial College, and at numerous superior and municipal court institutes. ■

President's Column, *continued*

My year as president has been extremely pleasurable, thanks chiefly to the cooperation and active participation of the board of directors, NASJE committee chairs and members, and NASJE members in general. Thanks to many contributions by several persons, our organization has continued to grow during my brief tenure, both in size and stature. We have continued to improve relationships between NASJE and other organizations. NASJE representatives now serve on standing or special committees or advisory board and project committees of an increasing number of organizations, including the National Center for State Courts and its Institute for Court Management, the National Association for Court Management, the Committee on Continuing Appellate Education of the ABA/Appellate Judges Conference, the ABA/Special Court Judges Conference, the National Court Reporters Association, the ABA/JAD/Lawyers Conference Task Force on Reducing Litigation Delay and Cost, and many more.

During my tenure we also recommitted ourselves to a decision made in February of 1994 to hold an annual meeting near Reno, Nevada, and I am happy to report that we will meet there in 1997 (probably at the Hyatt at Lake Tahoe.) This will give members an opportunity during a portion of our annual meeting to acquaint themselves firsthand with the residence program facilities, staff, and programs of the National Judicial College and the National Council of Juvenile and Family Court Judges, and engage in a discourse about state/national provider cooperation.

The board of directors made—and continues to make—a very conscious effort to increase member participation in association business. More members have become involved because of recent changes in voting privileges and the president's practice to formally solicit those interested in serving as officers or on committees. In February the board also voted to recommend bylaws changes to fix and limit term lengths for committee service to assure

committee membership turnover, thus increasing the opportunity for different and more members to serve over time.

To improve the functioning of the organization, I appointed a committee to develop a "NASJE Management and Procedures Guide." A draft has been developed, principally by former president Larry Stone with former presidents' and board members' input based on our service experience. NASJE, via its Mentor Committee chaired by Rita G. Culbertson, succeeded in obtaining a State Justice Institute grant enabling us to train members in mentoring skills and to develop resource materials, so we will be better able to assist new judicial educators and judicial education executives by pairing them with experienced judicial educators and judicial education executive mentors at our annual meeting's orientation program. Two former NASJE presidents, Dennis W. Catlin and Anthony B. Fisser, worked hard during my tenure to develop an SJI-grant application for the funding of a pilot distance education program for state judicial education executives on and via the Internet. Tony Fisser also continued to oversee progress of our JEMS project with NCSC staff assistance and effectively chaired our Standards Committee. We also established a "NASJE Diversity Task Force," led by P. M. Dubhaigh-Ingrassia, and we have recommended that NASJE's Mentor Committee become a Standing Committee via bylaws amendments. Finally, I expanded NASJE's Standards Committee, with board approval, to help the committee tackle the assignment to develop draft "Principles and Standards of Continuing Judicial Branch Education for Nonjudge Court Personnel."

Unfortunately, the strategic goal of establishing a limited-service paid secretariat during my term has not been realized, for technical reasons. However, for policy reasons, that is future challenges facing NASJE standing projects now fully or partially funded by SJI (for example the *NASJE News* and JERITT services), I am not sorry to count this as a lack

of accomplishment during my term. I believe that our elected secretaries and treasurers could do their volunteer work more easily, productively, and under less stress with a little investment by NASJE in relatively inexpensive computer/software products for them. The annual savings of limited dues funds that would be spent on a contracted secretariat would thus be available for other NASJE cosponsored services directly benefiting members now, services that may be difficult to fund in the distant future with current grant-fund sources. But those are among the challenges and decisions facing the incoming new leadership!

It has been a personally rewarding and enriching presidential tenure. I have learned a lot, made many good friends, and, I hope, contributed to the profession. To the extent that I have, it is due to the team effort of the members of the board who worked so hard for the benefit of NASJE. I thank you all: Kay S. Palmer, Karen Waldrop Thorson, Paul L. Biderman, Elizabeth Hodges, Catherine Springer, Richard L. Saks, Blan Teagle, Judith Anderson, and past president Larry Stone. You are a great group to work with.

I also want to express my sincere appreciation to chairs of all NASJE committees, but particularly to Catherine S. Lowe, of the Education Committee, and to Franny M. Maguire, of the *NASJE News* Committee—both particularly and continually time-consuming and most important NASJE volunteer assignments. Thanks also to Dennis W. Catlin and his Michigan office staff for the many on-site hosting and planning tasks performed for our 1995 annual meeting, and to Dan Schenk and Paul Biderman for this year's bylaws amendment leadership. And special thanks to Richard Saks for smoothly leading this year's Nomination Committee efforts and for effectively chairing a Standards Committee working session in February on very short notice (and for so gracefully accepting a lemon from "uncle" Joe Trotter!)

Thanks, too, to Tammy Hennick of the Wisconsin Supreme Court

continued on next page

Office of Judicial Education, who worked on many of the mailings and prepared all of my NASJE correspondence during my presidential term and during my previous terms as an officer and board member. I would have been lost without her efficient and capable assistance. Kay Palmer, of Arkansas, will assume the presidency in mid-October. I leave the office in capable hands, convinced that NASJE and the professions of judicial educator and judicial education executive will continue to progress under her leadership. I look forward to continuing serving NASJE and the new board as immediate past president. Thanks, gracias, and danke to all members and friends for letting me lead NASJE into the third decade of service excellence. ■

National Training of Trainers Conference on UIFSA. Project staff will invite the chief justice of each state supreme court to select a person to attend the conference, which is designed for persons from each state who are responsible for the administration or delivery of training for judges who hear child-support cases. It is hoped that SJI funding will be available to help defray the costs of persons attending the national conference.

The project's final product, a judicial curriculum on UIFSA, will benefit state trial judges by explaining the provisions of UIFSA, highlighting how the act differs from

RURESAs; exploring legal issues not completely addressed by UIFSA, and identifying transition issues that judges will face since states now are using both RURESAs and UIFSA. The curriculum will benefit judicial educators by providing them with a fully developed curriculum that they can then adapt for use in their own states. The National Training of Trainers Conference will provide attendees the opportunity to more fully understand the curriculum. Most important, it will ensure a degree of uniformity in the information presented to judges throughout the country. ■



National Association of State Judicial Educators

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The writing is intended to reflect the opinion of the author; the editorial committee finds it appropriate to give a byline to make clear that the writing does not reflect the opinion of the editorial committee; or the writing reflects a substantial piece of work that occupies a prominent place in the newsletter and is at least one newsletter page in length.

In applying these guidelines the committee will resolve close issues against giving bylines to committee members and in favor of giving bylines to noncommittee members. When noncommittee members make contributions not otherwise credited, their names will be listed as contributing to that newsletter.

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