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National Defender Leadership Project

Ultimate Advocacy:

A Defender's Guide to Leadership Training

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Ultimate Advocacy:
A Defender's Guide to Leadership Training

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About the *Ultimate Advocacy* series

This is the fourth and final booklet in the National Defender Leadership Project's *Ultimate Advocacy* series. The first three introduced strategic management, reflective practice, and asset-based management, strategies that can help defender leaders solve problems, strengthen relationships, and build support for their agencies, as well as the cause of indigent defense.

About the National Defender Leadership Project

The National Defender Leadership Project (NDLP) provides training, produces publications, and fosters discussion, all with the aim of helping defender managers fully realize their leadership roles in the criminal justice system.

Since its inception in 1997, NDLP has been a joint effort of the Bureau of Justice Assistance (BJA), United States Department of Justice and the Vera Institute of Justice. The Bureau of Justice Assistance is an agency within the United States Department of Justice. Its mission is to provide leadership and assistance in support of local criminal justice strategies to achieve safe communities. BJA's overall goals are to reduce and prevent crime, violence, and drug abuse, and to improve the functioning of the criminal justice system. To achieve these goals, BJA programs emphasize enhanced coordination and cooperation of federal, state, and local efforts.

The Vera Institute of Justice is a private nonprofit organization dedicated to making government policies and practices fairer, more humane, and more efficient. Vera operates demonstration projects in partnership with government and conducts original research. Through its National Associates Programs – including NDLP – the Institute provides peer-to-peer consulting and technical assistance to public officials and communities throughout the United States.

For more information, contact NDLP@vera.org.

Clara Darrow is excited.

Several months ago, a series of setbacks prompted her to seek guidance on running her office, the Thurgood County Public Defender. She read books, she went to seminars, she made connections with other defender managers. It was all so new for her, and exhilarating. Darrow had never given much thought to leadership. Now she sees it in a new light, as something to think about and work on. Management, which she used to view as a burden, has become an opportunity – one she has seized with enthusiasm. The results have been dramatic.

For the first time, she had a budget discussion with her funders that didn't leave her angry or upset. Then, after years of undisguised hostility, she and the Thurgood County police chief had some productive meetings – they even signed the same statement about jail visitation. She has been spending more time outside her office, trying to repair frayed relationships and build new ones. In the process, she has discovered many new resources for her clients.

Darrow is even taking a new look at the latest proposal for a Thurgood County community court. In the past, she had always quickly opposed plans for the court, but this time, she is considering ways to involve her office in the debate.

Thrilled with her recent accomplishments, Darrow wants the rest of her office to benefit from what she has learned. Having just returned from her latest training event, a weeklong retreat, she is feeling particularly inspired. She decides to organize a session for her own office, a summary of the various techniques the conference had covered. She checks her calendar: there is a staff meeting in two weeks. "Perfect!" she thinks, "I'll have everyone together." She dashes off a memo to her staff. Technically, they are required to come to these meetings, but lately attendance has been sparse. "It would really be a shame for anyone to miss this one," Darrow thinks. She adds a line to the memo: *Remember, attendance at staff meetings is mandatory.*

Rosa Byrd is annoyed.

She has just read Darrow's memo about the management training scheduled for the next staff meeting, noting with particular distaste the word *mandatory*. "Oh no," she thinks, "not another training session. Every time Clara goes to a conference, she comes back with some half-baked new theory that has nothing to do with my clients."

She rolls her eyes. She groans. She crumples the memo. "Isn't it enough that I have to go to those CLE workshops? Why do I have to waste time on this stuff in my own office?" Sometimes Byrd thinks Clara has forgotten what it's

like to be a line attorney juggling cases. She has four trials coming up. She has been working hard, and she's tired.

Byrd sighs, then decides to get another cup of coffee. Maybe she'll run into Ruth or Sandra, and they'll have a laugh about this latest fad of Darrow's. On the way out, she tosses her memo in the trash.

Leon Higgins is bored.

He is sitting in a stuffy conference room, where, for more than an hour, Darrow has lectured on something called a strategic triangle, then talked about critical practice (or was it reflective incidents?), then filled the blackboard with a list headed *assets*. At first, he had tried to pay attention, but Darrow whizzed so fast from one topic to the next he couldn't absorb a thing. He did perk up a few times, when Rosa Byrd made some jokes, but mostly he has been watching the clock and letting his mind wander.

Higgins glances at the agenda. The session is running late, so he figures Darrow will have to skip the wrap-up scheduled for the end. He wonders when they will move on to the next activity, which seems to be some kind of small group exercise. He was supposed to prepare an assignment, but the instructions were confusing, and he had several motions to write, so he didn't bother. At least he hadn't been forced to be a facilitator, like poor Ruth and Sandra. Darrow had drafted them a couple of days ago, but they had no idea what they were supposed to do. They were still fuming about it this morning.

He turns back to Darrow, whose subject now is community outreach. For a moment, Darrow has his full attention: "If Clara thinks this is going to convince me to help her with all those meet-and-greets she's been doing, she's crazy. I'm already busy enough outside the office on my own time." Higgins sneaks another look at the clock. "Should I have Chinese tonight, or Italian?"

This fourth *Ultimate Advocacy* booklet continues the work of the first three – helping defender leaders assume their rightful role in the criminal justice system – but takes a different approach.

The earlier booklets covered specific management strategies, showing their relevance to the defender world. But you cannot fully implement strategic management, reflective practice, or asset-based management – the subjects of those booklets – without help from your staff. You need concrete assistance in the form of labor. Equally important, you need your staff's acceptance and support.

That's where this booklet comes in. It's designed to help you share what you've learned about leadership with your staff. Returning to fictional Thurgood County, it uses the experience of Clara Darrow to illustrate ways to plan and conduct staff training. Recognizing that you're not a professional teacher, it focuses on practical steps to convey both the content and the importance of strategic management, reflective practice, and asset-based management.

The booklet begins with general guidance on training sessions, which you can apply to any topic. Next, it offers specific advice on teaching the three theories. Please use the steps we outline as guidelines, not prescriptions. We realize that you have many other duties besides training your staff, and that your resources might be limited. So read the sections in any order you like, mix and match exercises, create some new steps – whatever works best for you. Our aim is to provide templates that you can follow closely or adapt, expand or reduce, depending on your own circumstances, needs, and preferences.

Table of Contents

External management: leadership training for defenders

External management: helping defenders play their rightful role

Where are the defenders?

That question prompted the Bureau of Justice Assistance and the Vera Institute of Justice to set up NDLP, the National Defender Leadership Project, in 1997. Prosecutors, judges, sheriffs, and police chiefs were regularly collaborating on criminal justice policy. But often, when they sat down to hash out new initiatives, defenders were nowhere in sight.

NDLP's goal was to fill that empty seat at the policy-making table by helping defender leaders focus on external management – that is, on their relations with their counterparts in the criminal justice system. This approach was new. Defenders already had access to training in trial skills, for instance, or internal management skills like budgeting. But little existed to help them assume their leadership roles within the criminal justice system.

NDLP began with an executive seminar, a retreat (repeated several times) that brought together defender leaders to consider such challenges as positioning their offices, increasing public support, and building coalitions. Later, NDLP brought aspects of its curriculum directly to defender organizations, tailoring them to the challenges facing the host offices.

To bring its lessons to an even wider audience, NDLP also produced a series of publications explaining three theories – strategic management, reflective practice, and asset-based management – that can help defenders play a stronger role in the criminal justice system. A new Internet-based tutorial for defender managers also teaches these theories, while offering users the chance to exchange practical insights with colleagues from other defender offices around the country. (The tutorial will be available at the Vera Institute's web site, www.vera.org, in July 2001.)

Through these varied efforts, hundreds of defender leaders are coming to a new view of management. The next step is to apply what they are learning in their own offices.

Bringing your staff on board

How do you teach those lessons to your staff?

If you're wondering this, you're not alone. Enthusiastic managers often ask for advice on training their staffs in strategic management, reflective practice, and asset-based management. They know they can't implement these theories without help. But, like Clara Darrow, many have a hard time explaining the techniques or winning their staffs' support for them.

In designing, running, and refining its programs for defender leaders, NDLP has learned many lessons that can help you in your own efforts. The most basic is the need for extensive planning. That means thinking through a host of issues, from the purpose of your training to your closing remarks, well in advance of the session, and in exhaustive detail.

Equally important is the need to "sell" the training to your staff: to capture their attention and overcome their skepticism. Don't become complacent about this responsibility, simply because you can compel your staff to attend. You still need to win them over. That means piquing, and then holding, their interest. It also means anticipating objections your staff might raise so you'll be able to meet them and move on.

About this booklet

Planning and selling your session are big, general principles. But how do you break them into manageable chunks? How do you put them into practice? This booklet gives you advice on the nuts and bolts of training.

It assumes that you are already familiar with strategic management, reflective practice, and asset-based management. Accordingly, it doesn't explain these tools (although it does review them). The booklet focuses, instead, on how to teach them to your staff. (For in-depth discussions of these techniques and their relevance to the defender world, see the previous three booklets in the *Ultimate Advocacy* series, as well as the other references in the box at right.)

This guide cannot prescribe what type of training you should undertake or match particular tools to specific problems. But it *can* guide you in making those choices. It reminds you of issues to consider, then points out steps to follow in planning and promoting your training session. It also suggests ways to present whatever tool you decide on.

General advice about training comes first, using the example of Darrow's failed session to point out common pitfalls and show how to avoid them. Drawing on the proposed Thurgood County Community Court, subsequent sections give specific advice on teaching strategic management, reflective practice, and asset-based management, including exercises you can use in your own training sessions, as well as models to help you develop exercises of your own.

Learning More

Our focus in this booklet is not on the theories themselves, but on ways to help your staff learn and use them. If you'd like to learn more about strategic management, reflective practice, or asset-based management, consult these publications.

Strategic management

Ultimate Advocacy: A Defender's Guide to Strategic Management An introduction to strategic management geared to public defenders. (Vera Institute of Justice, New York, 1999. Also available on the web: www.vera.org/publications.)

Creating Public Value: Strategic Management in Government A fuller, more general description of the theory and practice of strategic management by NDLP faculty member Mark H. Moore. (Harvard University Press, Cambridge, Mass, 1995.)

Reflective practice

Ultimate Advocacy: A Defender's Guide to Reflective Practice This booklet introduces reflective practice for public defenders. (Vera Institute of Justice, New York, 1999. Also available on the web: www.vera.org/publications.)

The Reflective Practitioner: How Professionals Think in Action The basic theory of reflective practice, outlined by one of its leading theorists, Donald A Schön. (Basic Books, 1983.)

"Notes from a Reflective Practitioner of Innovation" This piece by NDLP faculty member Ellen Schall discusses her experience as a manager trying to promote innovation in within her office. (In *Innovation in American Government: Challenges, Opportunities, and Dilemmas*, ed. Alan A. Altschuler and Robert D. Behn, Washington, D.C.: Brookings Institution Press, 1997.)

Asset-based management

Ultimate Advocacy: A Defender's Guide to Asset-Based Management A guide to asset-based management tied to the defender experience. (Vera Institute of Justice, New York, 2000. Also available on the web: www.vera.org/publications.)

Building Communities From the Inside Out: A Path Toward Finding and Mobilizing a Community's Assets By NDLP faculty member John P. Kretzmann and John L. McKnight, this book summarizes lessons learned from hundreds of community-building initiatives throughout the United States. (ACTA Publications, Chicago, 1993.)

Principles of training: some general advice

Engaging your staff – before your training starts

Clara Darrow had the right idea. She had learned some useful lessons, and picked up some helpful tools, that had changed her outlook and increased her effectiveness. It was admirable of her to want to share her new knowledge, and practical to try to win her staff's support.

But in her enthusiasm, Darrow plunged into a training session she hadn't planned or promoted well. She failed to give her staff reasons to get excited about it. She also failed to counter their preconceptions about training in general. Rosa Byrd might have welcomed training in a practical trial skill, but she had little patience for other types of training, which she viewed as dull and divorced from her real-life concerns. Like the rest of Darrow's staff, she entered her session with fixed ideas about what it would produce (nothing) and what she would learn (nothing). She immediately took on her standard role of bored, aggrieved captive.

Because the word *training* so often bears negative connotations, you might want to use it sparingly with your staff. That might seem like strange advice from a booklet whose subject is training (and whose title features the term). But it's not a matter of deceiving your staff. Yes, your goal is to train them (and yes, this booklet aims to help you). But your staff might be more receptive to a process they haven't already judged, which the label *training* might lead them to do.

If you present your session in a way that engages your staff, you'll head off many negative expectations. It often helps to tie the session to an actual issue facing your office. That way, your staff will be more likely to view it as an opportunity – a chance to solve a problem – than as an obligation they must reluctantly sit through.

Who should attend your training?

External management is generally carried out by a relatively small group of staff members: senior or middle managers, who are most likely to make decisions that affect their offices' relationships with outside parties or to interact with outside groups. These are the people in your own office who would benefit most from training in strategic management, reflective practice, and asset-based management. In planning your training sessions, it's wise to focus on current or potential managers, or perhaps your board, because these techniques are most relevant to them.

But don't overlook the rest of your staff. You never know who might someday join your management team. More important, everyone on your staff, including your nonlegal employees, can help improve your external relations, even if they aren't directly involved in them. For instance, many of the training exercises ask participants to think more broadly about your office's mission and activities. Including a diverse sampling of your staff could bring in new perspectives and lead to ideas that managers might not otherwise think of.

If junior staff understand the principles behind effective external management, they'll be more helpful to the managers who rely on their assistance. Beyond that, everyone on your staff is an ambassador for your office – both on the job and in their personal lives – so the more they know, the better.

Tips to make your training a success

Here are some general tips, tied to Darrow's experience, on developing a session that will inform and motivate all of your staff.

Identify your goals

Why are you holding the session? What issue do you want to address?
What technique would best address this issue?
What lessons do you want your staff to take from the session?
How do you want them to apply their new knowledge in the future?

Be very clear in answering these questions, and very specific. Avoid the temptation to take on too big a subject. *My goal is to teach my staff strategic management* is probably too broad. Instead of tackling a general concept, tie the training to an issue your office is facing: *My goal is to improve my staff's morale by helping them focus on the many kinds of value our work provides.*

Darrow's mistake: Darrow took on too much – an entire suite of techniques – and wound up boring and confusing her staff, who couldn't understand the training's relevance to their work. She didn't clearly define her goals; instead, she just presented everything she had learned at her conference, without considering what would be most useful or appropriate for her office.

A better option: Darrow could have tied her training to the community court, choosing some aspect of the debate that was particularly important to her office, either because it posed problems or offered opportunities. Next, she could have considered which tool would be most helpful in addressing this challenge and used it to structure her training.

Match your goals to your resources

How much time do you have?
What resources (money, people, supplies, space) do you have?
Given your available time and resources, how much can you reasonably expect to accomplish?

Think carefully about your time and resources. Be realistic. A three-hour session can obviously cover less than a three-day retreat. If the only space available is a cramped room, small group exercises are not a good option.

Darrow's mistake: Darrow held her session during a regular staff meeting, but tried to cram in an entire weeklong seminar's material. She was relying on facilitators who were unprepared and unhappy.

A better option: Darrow could have pruned her session, choosing a discrete issue and limiting herself to one technique, or even part of a technique. If she didn't have access to willing or prepared facilitators, she should have probably dropped the small group exercise or switched to one that didn't need moderators.

Profile the participants

Who should attend the session?
What do you know about them that could affect the session's design?

Since you're working with your own staff, you have an advantage over many professional trainers: you know your audience. Use that knowledge. Profile the people you're aiming to train; figure out how their backgrounds, experiences, or personalities might factor in. Who has previously worked on a problem like the one you hope to solve? Who is complaining about the session? Who is more open-minded? Who might you call on if participation lags?

Darrow's mistake: Darrow didn't think about her staff's likely reactions to the idea of training, or their strengths and weaknesses. As a result, she failed to convince them beforehand of her session's potential value and didn't hold their interest as it proceeded.

A better option: Darrow, who knows her staff well, could have anticipated their reactions. She could have found ways to better promote the session in advance, in order to overcome the skepticism of the cynics. In choosing the training's topics and methods, she could have factored in the interests and talents – and biases – of her participants. She could have used what she knew to pick more suitable facilitators or to describe the small group exercise in a way that would appeal to Ruth and Sandra and motivate them to help.

Disarm the detractors

Who on your staff is likely to be especially cynical or skeptical about the session?
Who might disrupt your training?

All offices have workers like Rosa Byrd, people who are particularly forceful in expressing opinions or who dominate discussions. If, as is often the case, they are openly skeptical about training, they can undermine your efforts. At the very least, you need to keep those people from disrupting the session. Better still, why not take advantage of their energy by engaging them from the start? Give them a sense of ownership, perhaps by including them in the planning. Or involve them at the start of the session. If you do an opening role play, for instance, call on them to participate.

Darrow's mistake: Although she knew Byrd well and could have predicted how she would behave, Darrow did nothing to engage her. As a result, Byrd disrupted the session.

A better option: Darrow could have asked Byrd for help or advice early on. Or, knowing that Byrd, Sandra, and Ruth are the office's comedy team, she might have enlisted the three to do an opening presentation, which would have entertained the staff and illustrated the challenge the training aimed to solve. Equally important, it would have harnessed their energy, which went, instead, into resisting the training.

Choose the training team with care

Who will run the session, you or someone else?
Will you use small groups, in which case you'll need facilitators?
Who in your office would be a good at these roles?
Could someone outside your office (another defender, a community leader, someone from the DA's office) help?

Take a broad view of who should run your training session. Profile potential leaders and facilitators: try to figure out whether they would work well with the small groups you might be envisioning, for instance, or how they would react to various members of your staff. If you have to force someone to help run the session, that person is probably a bad choice.

Darrow's mistake: Darrow left choosing facilitators to the last minute and didn't think about who would be most suitable. She coerced reluctant staff members into the facilitation role, practically guaranteeing they'd do a bad job.

A better option: Darrow could have taken a broader look at her options. Having profiled her staff, she could have made better choices for facilitators or described the task in a way that appealed to Sandra and Ruth. She could have also thought of possibilities from outside her office, which would have brought in new perspectives, and added interest, to the session.

Prep your facilitators

Have you thoroughly discussed with facilitators the aims and methods of the exercise?
Do the facilitators have participants' homework assignments well in advance of the session?
Do they have information about the people who will be in their groups?

It's essential that facilitators understand not only the mechanics of the exercise they'll be leading, but also why you've chosen it and what you hope it will accomplish. In addition, facilitators need thorough information about their groups. Also, if possible, check in with facilitators as the training progresses. During breaks, for instance, it's a good idea to hold quick meetings, in order to determine whether any adjustments are needed.

Darrow's mistake: Darrow chose her facilitators at the last minute. She failed to explain the nature and purpose of the exercise or to give them the necessary background information.

A better option: Darrow could have met with her facilitators to go over the exercise. She could have forwarded the homework assignments early. Since her facilitators were from her own office, they could have sat down together to profile the members of the small groups.

Be creative

Have you considered ways to enliven your presentation?
Are there ways to draw on the talents of your staff or facilitators?
What props might be helpful?

A creative approach engages participants. Perhaps some members of your staff put on a funny skit at your holiday party. Can you think of a way to use them in your session? Maybe someone has artistic skills that might liven up charts or other graphics, or even make the meeting room more inviting. This advice makes some people uneasy – they don't see themselves as "creative types." But creativity encompasses a lot. Injecting humor into a session is creative. So is coming up with a good anecdote to illustrate a theory. The point is to avoid a dull, dry presentation.

Darrow's mistake: Darrow just lectured – or as her staff might have said, she just droned on. She never considered a more creative approach to her session.

A better option: Darrow could have started with how she promoted the session. Instead of the usual bland memo, she might have sent something more graphically interesting, or some kind of teaser. Instead of plunging into a long lecture, she could have thought about helpful anecdotes or analogies, or a skit or other type of performance.

Market your session

How is your staff likely to view the prospect of training? Do you need to overcome any skepticism? Indifference? Hostility?
Does your staff understand the issue you want the training to address?

Promoting the training is an integral part of planning it. An excellent session will be wasted on an unreceptive audience. Sell the session: Drum up your staff's interest and convince them it will be worth their time. Find ways to intrigue them, so they'll want to learn more. Anticipate and confront any doubts they might have. You might also consider whether you could offer CLE credit as an incentive.

Darrow's mistake: Darrow wrote a quick memo, without considering how she could most effectively describe the training session. She didn't try to win her staff over – she just told them to show up.

A better option: Instead of reminding her staff that they *had* to attend, Darrow could have tried to make them *want* to. She could have taken the time to describe what the training would entail, what she hoped they would learn from it, and why it was important. She could have considered whether a single memo was enough, or whether she should find additional, or more creative, ways to market the session.

Consider assigning homework

Have you provided clear instructions for the assignment? Have you asked someone to review them?
Have you given your staff enough time to complete the assignment?
Are you clear on how to use your staff's completed assignments during the training?

Homework helps. A pre-session assignment signals to your staff that the training is important; it also makes them more invested in the session and more likely to participate. Not every kind of training exercise lends itself to advance homework, but it's a possibility you should always consider. When you do assign homework, reading is not enough. You should also require an activity that is less passive – one that requires writing or research, that engages your staff in the training's subject even before the session takes place.

Darrow's mistake: Although Darrow did put together an assignment, she didn't clearly explain its purpose or how to do it. She didn't name or enforce a due date. As a result, her staff failed to take the homework seriously, so it didn't help prepare or engage them.

A better option: Darrow could have shortened and clarified her instructions, while also explaining how the assignment would be used. She could have provided a due date, tracked who met it, and followed up with the procrastinators.

Make the session interactive

Have you prepared questions that will get a discussion moving?
Have you examined your introductory remarks, to make sure they're brief and in plain English?
Do you have a concrete plan for using your staff's homework assignments?

Lecturing in large doses is not only boring, it's also ineffective. It leaves your staff too passive. People learn more from participation, so make the session interactive. Pose questions. Don't describe things, show them. Move quickly to whatever exercises you've planned.

Darrow's mistake: Darrow not only tried to accomplish too much in her lecture, she also let it run too long. Her audience naturally grew impatient and bored.

A better option: Darrow could have replaced most of her lecturing with a discussion, posing frequent questions and inviting participation. She could have moved to the small group exercise sooner.

Remind participants of what they have learned

Have you scheduled time to sum up the session?
Have you built in time for small groups to report briefly on their exercises?

A good training session will generate a lot of ideas, so you should leave time to list and analyze them. You could ask representatives from small groups to give brief reports or assign a roving note taker, who will prepare a handout for use at the end of the session. Try to keep the session on schedule: watch the clock, and move things along when necessary. It's a good idea to schedule more time than you think you'll need – that way, you'll be covered if the session takes more time than you'd planned.

Darrow's mistake: Darrow let the first part of her session run too long, throwing off the whole schedule. There was no time to wrap up.

A better option: Darrow could have worked harder to stay on schedule. She could have kept track of the ideas that emerged during the session, so at the end she would have been prepared to sum them up.

Evaluating your session

Did your session work? Did it meet your goals? What did your staff think? How could you improve the training next time?

These are the kinds of questions you'll naturally have at the end of a training session. You'll want feedback on what needs changing or improving. You'll also want a way to gauge the impact of the training on your office – to see whether participants have applied what they've learned to their work.

The classic way to solicit feedback is through evaluation forms. Surveys or questionnaires are easy to administer, and they pose uniform questions to all participants, so you can easily compare answers. They also offer anonymity, although when participants are all drawn from your own staff, that anonymity can sometimes be hard to maintain.

If you decide to use a post-session survey, focus less on the personal – on opinions about you or the facilitators – than on the training's substance. In other words, don't ask *What did you think of us?* but rather *What did you learn?* Ask which portions of the training were most and least helpful, what lessons participants are taking away, what they wish you had spent more time on, what other topics they would like to see addressed in future sessions.

It's often helpful to make some of the questions "forced" or "closed" – that is, to steer readers to particular parts of the session and to specify how they should rate them. For instance, for a session on reflective practice, you might ask your staff to evaluate the homework assignment, the introductory discussion, and the role play, and provide a clearly labeled scale for them to use.

You might also consider supplementing, or even replacing, the survey with some other method of soliciting feedback. It could be something as simple as a suggestion box. Or you could set up an electronic bulletin board, which would give your staff a spot to post ideas. Methods like these have the advantage of being available indefinitely, which encourages participants to keep thinking about the training, while also signaling to them the importance you attach to it.

It's difficult to posit rules about evaluating the long-term effects of training, because those effects can take time to reveal themselves and can range so much in nature and intensity. Still, you can probably gather some general ideas. The electronic bulletin board could help you, because if your staff uses it to describe their efforts, you can track whether, and how, they are implementing the tools your session taught.

Another option is to send a follow-up survey several weeks or months after your session. You could revisit some of your earlier questions and ask which techniques participants have tried or are actually using. You might also ask whether participants know if their colleagues are using these techniques.

You might also try the simplest technique of all: talking to your staff. Perhaps you've noticed that a lawyer has improved her relationship with someone she used to clash with, and you wonder whether reflective practice has helped her. Why not just ask? If an investigator is facing a difficult problem, why not check in with him to see if he is applying the strategic triangle? Obviously, there's no scientific way to measure the impact of your training on staff behavior, but a few conversations might give you a good idea of what your staff has done with the training you provided.

Whatever route you choose, be sure you have a plan for using the information you receive. Too often, evaluations are just filed away. Realizing this, many training participants don't give evaluations much thought. So, however you proceed, be sure to let your staff know that you'll actually use what you learn from them.

Strategic management, reflective practice, and asset-based management: training your staff

Over the last few years, several proposals for a community court have surfaced in Thurgood County, but they never got far. Recently, however, a new proposal has been gaining ground, thanks largely to the energetic advocacy of Judge Brown.

Brown, impressed with community courts in Manhattan and Portland, has argued for a similar approach in Thurgood County. He has gathered impressive facts and figures about these courts' compliance and reoffense rates. He has cultivated support from downtown business owners, who are thrilled with the prospect of addressing quality-of-life crimes; they have even committed space for a court in the business district. He has held discussions with mental health and drug treatment advocates, who see new possibilities for helping hard-to-reach clients. He has met with other judges, the police, and the district attorney. They have all been enthusiastic.

But Clara Darrow, the county's public defender, has reservations. Will offenses that would otherwise receive a slap on the wrist now be prosecuted? Will defendants feel pressured to plead guilty, even to baseless charges, in order to receive treatment? Will the existence of the court prompt a surge in questionable arrests?

In two weeks, Darrow will attend a meeting organized by Judge Brown. The police chief, the court clerk, the head of the probation department, and the district attorney will be there, along with some treatment providers and members of the business community. She knows they will press her to back the court.

In the past, when proposals for the community court had surfaced, Darrow had immediately, almost reflexively, opposed them. But this time, she is thinking it over. The court is hardly a panacea, but it's certainly not all bad, either. The promise of treatment is significant: at community court, many of her clients would be offered services they want but would never receive if their cases went through the central court.

She reads through Brown's proposal. Are there places it could be changed, she wonders, to guard against abuses of her clients? Is this an opportunity to get her clients the very services they routinely seek in vain? If she signs on, how will her staff react? If she continues to oppose the court, how will her decision affect her relationships with the district attorney or Judge Brown? Is there any way she can give her clients a say in how the court is designed?

Strategic management: facing constant change

Clara Darrow, an accomplished trial lawyer, had always felt sure of herself in the courtroom, where her goal was clear and the process well-defined. As head of the county's defender office, however, she deals with far more complex issues, like the proposed community court.

Although Darrow can imagine good reasons to support the court, she still has several qualms. But how can she come out against a process that would provide much-needed treatment to clients – especially since she has argued for such services her entire career? Would the public understand her reasoning? What if she supports the court – will she lose credibility with the members of her staff who are against it? How will her decision affect her relationships with her counterparts in the criminal justice system? Or with her funders?

Darrow's dilemma reminds us of just how much is involved in running a defender agency. It requires far more than handling internal office matters. It also means dealing with tricky political issues in the outside world. In both arenas, the challenges are difficult and often complicated. Conditions change often – staff members leave, new officials take office – so flexibility is essential.

Traditional management theory tends to ignore the complexity and change that are facts of life for defenders: it assumes you are working toward a well-defined goal, that everyone agrees on that goal, and that you have all the resources you need to accomplish it. As a result, traditional theory often doesn't help much as you struggle with the real-life problems your office faces.

Strategic management takes a different approach. It acknowledges that you work in a political world, where you face constant change. It helps you to think broadly and creatively about the problems you confront and your ambitions for your office. The theory is often illustrated by the strategic triangle, a visual aid that reminds you to consider three interrelated issues:

Value: What are the benefits to the public of what you want to do?

Legitimacy and support: Who has a stake in your success, and so might support you?

Operational capacity: What resources do you need to succeed? Do they exist, either in your office or among your partners? Can you find them?

Strategic management encourages you to define the value of your efforts in different ways, and to remember that different benefits engage different parties. Think about the proposed community court, for instance. Businesspeople like its potential to reduce crime. But for Darrow's clients, the value lies largely in its promise of more and better services, while treatment providers see an opportunity to extend their reach. Different parties, in turn, bring different kinds of support and legitimacy to the proposal: the business community offers political clout, the treatment community expertise in the field of addiction. Strategic management also reminds you to

focus on the practical issue of capacity: whether the resources exist to carry out the initiative.

Strategic management is extremely flexible. It helps you handle routine matters and major crises. You can use it to respond to a situation you did not create, like the Thurgood County Community Court, or to plan for an initiative of your own. There is no rule about where you start on the triangle: begin with whichever point seems most applicable, and then work your way around.

Exercise 1: Introducing the strategic triangle

This exercise teaches the basics of strategic management to your staff. Strategic management's three principles – the points of the strategic triangle – emerge through a guided discussion.

There is no homework for this exercise. Instead, participants do some reading on the spot. The idea is to solicit their immediate, knee-jerk responses, then to draw out some more expansive views. You'll need a blackboard or three or four flipcharts during the session.

Before the session

Photocopy the description of Darrow's dilemma that opens this section (on page 25), so you'll have it ready to distribute.

During the session

1 Distribute the photocopy to participants and give them a few minutes to read it.
SUGGESTED RUNNING TIME: 5 MINUTES

2 When participants have finished, begin a discussion of how Darrow should proceed. Ask questions about the community court proposal designed to elicit responses that pertain to strategic management's three issues (suggestions follow). Write participants' responses on the board, grouping them into three categories, one for each point of the strategic triangle. But don't label the categories or introduce the triangle yet. (If you are using flipcharts, use three, one for each category.)

Note that you may need to translate some private benefits into the language of public value. For example, if someone says *prohibit jail time for petty crime*, you might add *to save money and ensure proportionality*.

SAMPLE QUESTIONS AND TYPICAL ANSWERS: How could the community court be shaped to benefit both Darrow's clients and the public at large? What basic elements might Darrow seek to include in the design? On the other hand, what would be the benefit to the public if the proposal is defeated?

Potential benefits of court: organize focus groups among petty offenders to help design services and treatment programs, ensuring that investments in services meet actual needs; reduce numbers of adjournments in petty cases, producing speedier trials and fewer warrants for defendants who miss court; station program representatives at court to improve access to treatment; increase the availability of rehabilitation services to reduce future crime; improve the sensitivity of treatment providers to offenders through specific language in agreements between the programs and the court

Benefits of defeat: protection of defendants' rights, minor offenses won't be criminalized, defendants won't be pressured to plead to bad charges, cases won't be rushed, police won't be encouraged to make bad arrests

Who has a stake in the success of Judge Brown's proposal with Darrow's amendments?
Defendants, public defenders, treatment providers, businesspeople, prosecutors, cops, central court personnel, jail workers, civic groups, churches

Of the benefits we've mentioned, which appeal most to these various groups? For instance, who cares about addressing quality-of-life crimes?
The public, politicians, businesspeople, civic groups

If Darrow does not offer the amendments, or if they are rejected, who has a stake in the defeat of Judge Brown's proposal?
Defendants, public defenders, judges and prosecutors who do not believe in treatment, officials who oppose Judge Brown or his authority

What resources would Darrow's office need in order to work in the community court, assuming it includes Darrow's amendments?
Social work staff, training in how to use the court for all staff, more lawyers

SUGGESTED RUNNING TIME: 25 TO 30 MINUTES

3 Introduce the strategic triangle by explaining that you have grouped participants' previous responses according to its three points (sample language follows). It's up to you whether or not to use the "official" strategic management lingo like *operational capacity* or *legitimacy and support*. Use whatever language you think will work best with your staff. Explain the importance of addressing all three points. Discuss strategic management's broader use – not just for discrete problems like the community court, but also for thinking about defenders' overall mission.

SAMPLE LANGUAGE: As you can see, I've been grouping your suggestions into three categories: benefits, allies and supporters, and resources. The categories are interrelated. For instance, if there are benefits, then obviously those benefits are going to be enjoyed by various parties, who are potential allies or supporters.

[Draw the triangle.] A good way to think about this is the strategic triangle, with the points representing the categories. One point is value, or benefits. For instance, what public benefit can Darrow produce by working with the community court proposal? Another point is legitimacy and support: who has a stake in Darrow's success in shaping the court? The third is operational capacity: what resources will Darrow need to create the benefits in practice?

For any proposal, you need all three of these points. If you show a proposal's benefits and pull in allies, but don't have enough capacity to make it work, it will fail. Or, say there's a program with well-defined goals, and money has been appropriated for it. The value and the resources are taken care of, but if it lacks public support, it will fail too.

These three issues – value, supporters, resources – are important considerations in thinking through all kinds of situations our office might face. We should apply them to our mission too, by asking about the value of indigent defense, who has a stake in it, and where we can find resources to help us do our work. As we do this, it's essential to pay attention to how others might answer these three questions. Different public benefits appeal to different groups, and those groups bring different kinds of support and resources with them. The triangle reminds us to consider all of the possibilities.

SUGGESTED RUNNING TIME: 5 MINUTES

4 Return to the community court scenario. Press your staff to elaborate on their earlier opinions, referring to the triangle's three points (sample language follows). You might begin by discussing benefits and audience and the need to tailor messages about value to different groups. For instance, if participants think Darrow should oppose the court, ask them to discuss how its defeat would benefit the public. Then ask them to consider how that defeat would be viewed by other audiences, and to think about whether there are better ways to oppose the court, or whether it might be wise to come up with an alternative proposal. Urge participants to think about capacity and resources. If staff members support the court because of its services for clients, for example, have them spell out what resources would be needed to ensure that the treatment would truly help Darrow's clients.

SAMPLE LANGUAGE: Let's go back to the debate on the community court. We'll start with the question of value. John, you thought Darrow should oppose the court again, because you said it would violate her clients' rights by essentially forcing them to plead guilty. But do you think we can broaden the appeal of this argument so that audiences other than lawyers will join Darrow in opposing the court? What about coming at it from another angle – perhaps pointing out that down the line, having a record will make it hard for those clients to get jobs?...

Jane, you thought Darrow should sign on to the proposal because the expanded access to treatment was too valuable to ignore. Now, if you were Darrow, and you were ready to accept the court in principle, what kinds of resources would you want to see in place, to make sure the promise of treatment would be met? Will the language of treatment appeal to Darrow's clients? What will make clients and their families support the court in the long run? What do these clients and their families want from a treatment program, and how can Darrow help them get it?

SUGGESTED RUNNING TIME: 10 TO 20 MINUTES

5 Now invite participants to take a broader view of each of the triangle's categories. You may need to give a couple of examples to illustrate the kind of thinking you're aiming to spark.

SAMPLE LANGUAGE: For value, we've identified some important benefits. But what other benefits might there be? Remember, they won't necessarily be defenders' favorite values. The idea here is to think more broadly, to see if we can find a variety of benefits that appeal to different groups. The more benefits Darrow recognizes, the more likely she'll be to find common ground with other groups. That will bring her allies for whatever course she decides to take.

What about the possibility that the court will make some elements of the community feel that crime is being better addressed? If they're satisfied, they might stop pushing so hard for more punitive laws – and that would help her office. How about other people who might have a stake in the court? Who cares about a problem like graffiti, for instance? Maybe local businesses would support a program in which clients cleaned up their storefronts. That would be a very helpful group to have as an ally, even on a discrete project; it would strengthen Darrow's hand overall to be able to say she was working with them....

SUGGESTED RUNNING TIME: 10 MINUTES

6 End by summing up some of the most promising ideas that emerged from the discussion. List the values that seemed to elicit the most interest, then do the same for allies and resources.

Exercise 2: Using the strategic triangle

This exercise is for people who are already familiar with the basic ideas of strategic management. It is designed to make them more comfortable applying this technique and to provide feedback on an actual problem facing your office. It also shows how the strategic triangle can be used in initiating a proposal, rather than responding to one, as in the first exercise.

Although we provide a model, it is only for illustration. You'll need to come up with a homework assignment based on your own office's needs and experiences.

This exercise has a small group component, to encourage greater participation by your staff, so it requires facilitators. But it can easily be used with a large group, in which case facilitators won't be necessary.

Before the session

1 Distribute the assignment, which asks your staff to recommend, in writing, a response to a problem your office is facing. A model assignment follows. Describe the issue, then ask people to recommend a course of action, using the three points of the strategic triangle. Name a due date. Be sure to allow enough time for participants to do the write-ups and for facilitators to read them before the session.

MODEL ASSIGNMENT: We have an opportunity to address a problem that has been concerning our office for a long time, and I'd like your feedback on how to take advantage of it. As we all know, there has been a crackdown on public lewdness. Many of you have become concerned about clients who have been charged with this offense, because they are often grouped with sex offenders and then shunted into programs that are wrong for them. Instead of education on preventing HIV, for instance, they're getting instruction on how to control violent impulses they don't even have.

Fortunately, we've managed to convince Judge Brown that public lewdness offenders can be channeled into their own programs apart from more serious sex offenders, if we can find these programs and take the lead in promoting them. But we still need to convince the district attorney. Now I'd like you to suggest ways that we could promote this option. Explain the reasoning behind your recommendations, using the strategic triangle. Answer these questions:

Value: What would be the benefits of handling public lewdness through a special program?

Legitimacy and support: Who would benefit? Who might support the course you are recommending?

Operational capacity: What resources do we have (or can we get) to make your recommendation work? What role should the defender play?

2 Read your staff's responses thoroughly, looking both for common themes and opposing views.

3 Based on your scrutiny of the assignments and your knowledge of the writers, decide how you will divide participants into small groups. Assign facilitators to the groups. You have many options in deciding how to place people. For instance, you might group them by their roles at the office – either keeping people with one role together (this might prevent support staff, for instance, from feeling intimidated by the presence of lawyers) or deliberately mixing roles (to bring a greater diversity of views into play). You could divide them based on personality types, skills, or the recommendations they made in their assignments. It all depends on your office, your goals, and a host of other individual factors.

4 Give the facilitators the assignments, along with detailed information about the members of their groups. For instance, let the facilitators know who is most likely to dominate the discussion or who has had recent experiences that bear on the situation to be discussed.

5 Facilitators need to become thoroughly familiar with the assignments and to pick two or three to discuss in their groups. If the assignments offer varying recommendations, they might pick examples that contradict each other. If there is general agreement about the recommended course, they could pick responses that offer different rationales. Another option is to pick responses that highlight different points on the strategic triangle.

6 Meet with the facilitators to discuss the assignments and their ideas about running the small groups. Try to meet in person. If you can't, find some time during the session to check in.

7 Choose an assignment that you will present to the entire group before it breaks into small discussion groups. (You'll be using the assignment to model the process you have in mind for the small group sessions.) As a courtesy, give the writer advance warning that his or her assignment will be discussed in this setting.

During the session

1 Begin by discussing the assignment you've already selected. Have the writer briefly describe his or her recommendations and reasoning. Then invite group discussion of the pros and cons. The point here is to illustrate the kind of discussion that should take place in the small groups.
SUGGESTED RUNNING TIME: 10 MINUTES

2 Move to the small groups. Before the discussion begins, facilitators should assign note takers, who will give brief summaries of what took place when the large group reconvenes. The facilitators' role is to keep the discussions moving and on track and to provide guidance, when needed, drawing on their thorough knowledge of the triangle. Depending on the size of the groups and the time allotted, they should try to cover at least two or three of the members' written recommendations.
SUGGESTED RUNNING TIME: 45 MINUTES

3 Reconvene the large group. Have the note takers report briefly on their groups' most constructive recommendations. If the ideas sound promising, you might ask for volunteers to begin looking into ways to implement them. But at the least, sum up by indicating how you might move on participants' ideas and offer a plan for updating your staff on what you accomplish.
SUGGESTED RUNNING TIME: 15 TO 20 MINUTES

Clara Darrow, Thurgood County's public defender, drops the newspaper on her desk. It seems that the county's editorial writers are engaged in a contest to find the most superlative praise for a proposed community court, which Judge Brown has been promoting with eloquence and energy.

Darrow has never much liked the idea of community court. She has never much liked Judge Brown, either. They have had a number of unpleasant encounters, including one that degenerated into a shouting match. Her lawyers often complain about his grandstanding on the bench. She thinks he is eyeing a higher appointment and has fixed on the community court as a way to make a name for himself.

There had been several previous proposals for a community court, and Darrow had quickly opposed them in strong terms that angered many people. But she has decided not to come out against this latest proposal. For one thing, it seems certain to succeed, and she can't afford to alienate its supporters. But it's not merely pragmatism that lies behind her position. This time, she is thinking more carefully about the proposal, instead of reflexively opposing it, as she had in the past. She is giving more thought to the opportunities the community court might create for her clients. Her previous objections remain, but she thinks that by being involved in the planning, she can improve the court's current troublesome features.

Of course, that means collaborating with Brown, a prospect Darrow doesn't relish. But she realizes she'll have to find a way to work with him. Her first test will come next week, at a meeting he has called. The district attorney will be there, along with the police chief, the court clerk, the head of probation, businesspeople from downtown, and several social service providers. All of them support the plan. Darrow will have to proceed carefully if she hopes to improve the proposal.

Reflective practice: thinking about relationships

The old Clara Darrow had a stock response to proposals for a community court: no. She was a defense lawyer, after all, and she had to look out for her clients. A proposal originating from elsewhere in the criminal justice system was automatically suspect.

The new Clara Darrow takes a different approach. The knee-jerk response is gone, replaced by a more critical, analytic style. She has taken the time to look back on her previous experiences, to see how they might guide her. She is thinking about her relationships with her counterparts in the criminal justice system and considering her perceptions, as well as theirs. Darrow is following the principles of reflective practice.

Too often, defender leaders take the opposite tack, handling management challenges with little thought or preparation. This approach is bound to fail when the problem is complicated or political, as so many management challenges are.

It's better to model your approach to leadership on Darrow's new approach to the community court: to treat it as a subject worthy of study and hard work. Reflective practice provides a structured way to do this. Often, reflection involves looking at past

experiences, or critical incidents, to analyze what went wrong and develop ideas for handling similar challenges in the future. This kind of reflection entails four steps:

Diagnosis: figuring out what the problem is
Invention: devising a strategy to address the problem
Production: enacting the strategy
Reflection: drawing lessons and making generalizations

Examining these steps helps you evaluate situations and build up a repertoire of responses, so you won't reflexively fall back on your old stand-bys, which might not be what you need.

Reflective practice also reminds you to examine your own background and biases, to consider how they might be affecting your view of a situation, or your response to it. At the same time, it asks you to consider the perspectives of the people you deal with. Those perspectives are shaped by a host of factors – age, gender, and religion; where people grew up; what temperament they have – and they can easily differ from your own.

But no matter how conscientiously you try to account for other perspectives, you still need feedback from other people. Reflective practice requires interaction with your peers. Define *peers* broadly: colleagues from your office, counterparts from elsewhere in the criminal justice system, members of the community. This interaction can be a casual chat or a formal exercise. The important thing is to solicit input and advice from a wide and diverse field. That way, you'll avoid mistakes you might have otherwise made. You'll also benefit from ideas you might never have thought of yourself.

Exercise 1: Role-playing a critical incident

This exercise uses a written description of a difficult encounter as the basis for a group role play. The writing helps participants begin the process of reflection by considering an experience – a critical incident – that didn't go well. The role play helps them shed light on other people's views and motives and to develop ideas for how they might have better handled the actual incident, as well as how to approach future encounters. The exercise involves pre-session homework and small groups, so it requires facilitators.

For a fuller discussion of the critical incident exercise and a sample showing how a role play might work, see NDLP's booklet *Ultimate Advocacy: A Defender's Guide to Reflective Practice*.

Before the session

1 Assign the critical incident exercise, a brief description of a situation the writer was involved in that turned out badly. (See the appendix for sample instructions.) Name

a due date. Allow enough time for participants to do the write-ups and for facilitators to read them.

2 Read the write-ups thoroughly. Think about their topics. You may find that several deal with similar problems or involve the same person. At the same time, pay attention to what they reveal about interpersonal dynamics. A writer may seem unable to offer an apology, or gender may seem to be an issue in the dealings between a female lawyer and a male judge. Make notes as you go along, especially on ideas for role plays.

3 Based on what you learned from the assignments and what you know about the writers, decide how you will divide participants into small groups. Assign facilitators to the groups. The primary consideration is to ensure that every participant will feel comfortable speaking up. You might need to put all of the strong personalities together, for instance, so they will be less likely to intimidate others. Then, if possible, try to balance the groups by race and gender, and to put people who wrote incidents with similar themes or subjects together.

4 Forward the facilitators their groups' write-ups, along with detailed information about the members of their groups. For instance, let the facilitators know who is likely to dominate discussion, or who has shown a bad attitude about the session.

5 Forward the facilitators guidelines on how to plan and run their small group sessions (provided in the appendix).

6 Before the session, meet with the facilitators to discuss the write-ups and the incidents, in order to develop a general game plan. If you're unable to meet in person before the session, schedule a conference call, but still plan to grab some time during the session, before the small group work.

7 Select a critical incident to role-play before the entire group, so participants will know what to expect before they move into their small groups. (Consult the guidelines in the appendix for help with this process.) Let the writer and the other members of his or her small group know in advance that they will be role-playing in front of the large group.

8 A few days before the session, distribute copies of the critical incident write-ups. Each participant should receive write-ups by all members of his or her small group.

During the session

1 Address any concerns about confidentiality that participants might have, so they feel comfortable from the start. How to do this is up to you. What counts is that participants feel safe about discussing each other's experiences.

2 Start by laying out some general principles of reflective practice and critical incidents (sample language follows). It's up to you whether or not to use the "official" terminology (*diagnosis, invention, production, reflection*); base your decision on which language you think will appeal to your staff. It's often useful to draw analogies to trial practice.

SAMPLE LANGUAGE: When we handle difficult encounters, a lot of us make the same mistake: we just plunge in, without a plan. This is something trial lawyers would never do in court. Trial lawyers would plan extensively. They'd rehearse what they were going to say, they'd reflect on what they knew about the judge and the opposing counsel, they'd pay close attention to what potential jurors said. But for an important meeting, those same trial lawyers often just show up, and leave it at that.

Today we're going to try to cultivate a different approach to meetings and other encounters: reflective practice. It's based on the idea that these encounters deserve the same kind of planning and reflection that lawyers give to trials. The exercise we're doing today, using critical incidents, gives you a structure for doing this:

Diagnosis: figuring out what the problem is
Invention: devising a strategy to address the problem
Production: enacting the strategy
Reflection: drawing lessons and making generalizations

Reflective practice also prompts you to confront the importance of interpersonal dynamics – to consider how your personality and perceptions affect others, and how theirs in turn affect you. It reminds you to get other viewpoints and to step back and try to imagine a situation from different perspectives.

SUGGESTED RUNNING TIME: 15 MINUTES

3 Show the entire group how a role play is done. Invite the group you previously selected to the front of the room, and lead them through a very brief role play – just enough to show everyone what the exercise will involve. (Consult the appendix for guidance.)

SUGGESTED RUNNING TIME: 5 TO 10 MINUTES

4 Break into small groups. Facilitators should briefly introduce themselves, if members of the group don't know them, both to establish their authority and to help participants feel more at ease.

SUGGESTED RUNNING TIME: 5 MINUTES

5 The facilitators assign note takers, who will be responsible for presenting general observations about their small group sessions.

6 The facilitators begin the role plays, following the guidelines provided in the appendix. Depending on the size of the groups and the time allotted, they should try to cover at least two or three critical incidents.
SUGGESTED RUNNING TIME: 45 TO 90 MINUTES

7 Reconvene the large group, and have the note takers report briefly on what their small groups learned. For example, they might mention themes that emerged from the role plays (such as the importance of apologizing or the ability of a certain judge to flummox attorneys). Another approach is to report on lessons participants learned (to research the background of someone you are meeting with, for instance).
SUGGESTED RUNNING TIME: 10 TO 15 MINUTES

Exercise 2: Peer consultation

This exercise helps participants hone their reflective skills. It encourages them to listen and analyze – to consider various angles of a problem and multiple points of view. It also provides feedback and ideas for handling real-life problems. Finally, it's a way of practicing the art of asking for, and giving, advice.

Although we present this exercise as a large group exercise, it can easily be used with smaller groups as well. It requires pre-session homework.

Before the session

1 The homework assignment for this session is brief and deliberately open-ended. Participants write short discussions of challenges they're facing or decisions they need to make. See the appendix for a sample assignment.

2 Read the responses thoroughly, and select two or three to use for the exercise. In choosing, look for situations in which there appear to be varying perceptions of the problem or differences in personal style, or where careful planning is particularly crucial. As a courtesy, give the writers advance warning that their assignments will be discussed.

During the session

1 Address the issue of confidentiality. How you do this depends on your particular circumstances. But it's essential that participants feel comfortable discussing their problems or recommending solutions.

2 If space permits and your group is not too big, have participants sit in a circle. This arrangement makes the subsequent questioning easier and emphasizes the peer-to-peer dynamic.

3 Ask the first person whose problem you are discussing to briefly describe it for the group.
SUGGESTED RUNNING TIME: NO MORE THAN 5 MINUTES

4 Explain the procedure to the rest of the group: members will help the writer make sense of the problem by asking questions – and *only* by asking questions. The writer will respond to each one.
SUGGESTED RUNNING TIME: NO MORE THAN 5 MINUTES

5 Start the process by asking the first question. You may need to follow up with one or two more before your staff chimes in. Also, be ready to jump in if questions lag. Below are a few sample questions. See the appendix for a fuller list.

SAMPLE QUESTIONS:
How do you think the other parties involved would view this issue?
Who else cares about this issue?
Is there some other development or problem going on that might affect this issue?
SUGGESTED RUNNING TIME: 5 TO 10 MINUTES FOR EACH ISSUE

6 Ask the person who answered the questions which ones were most helpful, and why. Did any particular question help him or her see the issue in a new light or better appreciate other parties' perspectives? Ask the person to discuss any new plans for dealing with the issue in light of the peer consultation.
SUGGESTED RUNNING TIME: 5 MINUTES FOR EACH PERSON WHOSE ISSUE IS USED

7 Repeat the process as many times as you have time for. It's usually a good idea to go through it at least once more.

Clara Darrow is excited. She has just come from a meeting on the proposed community court for Thurgood County, where she is public defender. The discussion went well. Now she has work to do.

The community court is an old idea, and in the past Darrow had been swift to attack it. She had worried that clients would be pressured to plead guilty, for instance, and that the legal merits of cases might be given short shrift. But Darrow took a broader view of the latest proposal. Her concerns remained, but this time she considered the court's possible benefits for her clients, as well as its drawbacks. She also acknowledged the political reality that this newest proposal, unlike the previous versions, had a good chance of succeeding. As a result, Darrow decided to put her energy into planning, rather than opposing, the court. By being involved, she reasoned, her office could address the aspects that had always worried her. She also hoped to add features that really mattered to her clients and their families.

Darrow had convened focus groups of her clients, and they were hugely attracted to the easy availability of drug treatment. But she still had some concerns about how that treatment would be offered. She saw that the providers who had been lined up included only the biggest and most established facilities. They did good work, but they didn't necessarily understand or respect her clients. Many of the smaller, more creative facilities also did good work, but they were not in the mix. Moreover, nearly all the selected facilities were located around the business district – near the court's proposed site – but far from where most of her clients lived.

Darrow wanted the court's proponents to expand their definition of who counted as a treatment provider. She wanted to make it easier for her clients to get to, and stay with, their treatment programs. She also wanted their communities to feel respected – to feel that the new court would involve their neighborhood, not just the business district.

Judge Brown was the force behind the proposal. He had also organized the meeting, bringing together other members of the criminal justice system, as well as businesspeople and some of the proposed treatment providers. Darrow had planned for it carefully, considering how to present her concerns without alienating the other parties, who were all on record as strongly supporting the court.

She had also considered her relationships with the other participants, particularly Judge Brown. The two had never gotten along. Darrow reflected on their past encounters, to try to identify what had gone wrong. She examined her own biases and tried to imagine how he viewed her, to be better prepared for her reactions during the meeting and control any annoyance she might feel.

To her delight, she and Brown had a civil discussion, and everyone at the meeting acknowledged the value of her concerns. But they questioned whether she could really line up the treatment options she was describing. It was a nice idea, they all agreed – while politely dismissing the possibility that her clients' neighborhood possessed those kinds of assets.

Not long ago, Darrow herself would have been skeptical about this idea. But she has begun to shake her pessimistic outlook and to take a broader view of what resources exist in low-income communities. To find these assets, she is turning to the community she serves. She knows it contains not only treatment providers, but also an array of other groups who could support her clients during the treatment process.

She needs to find these resources fast, in order to convince Brown and the others to amend the proposal.

Asset-based management: looking for strengths

Clara Darrow is excited because she sees so many possibilities for making her ideas work. This is a big change for her. Like many defenders, she used to focus on her clients' needs. That was only natural, because those needs were so obvious. Defenders' clients are poor, and many of them also have problems like addiction or mental illness. And stressing their deficiencies often helps in court: highlighting a client's troubled family life, for instance, can convince a judge to impose a lighter sentence.

Over the long term, however, this focus on the negative is demoralizing. It also blinds defenders to the many strengths that exist alongside those weaknesses. Asset-based management helps you look for those strengths. It draws you beyond the negative, toward a broader view that takes in what works as well as what doesn't. Once you change your focus, you'll be surprised at what you discover – not only service providers and other familiar resources, but neighborhood organizations, churches, local businesses, and other groups that can provide vital resources for your work.

Asset-based management also asks you to see yourself as a member of the community and to take an active role in its well-being. In this view, your responsibility extends beyond defending clients in the courtroom. It also includes strengthening the community by helping those clients lead productive lives. Darrow has started down this path with her vision of the community court. She is looking at the proposal as an opportunity to help the community she serves, by shaping it to meet her clients' needs and to help them return home as contributing citizens.

Exercise 1: Introducing stakeholder mapping

In this exercise, participants construct collages depicting their view of their place in the community. The exercise helps them move beyond their often narrow conceptions of that role and introduces them to the idea of looking for new and novel resources. It is designed for use in a large group. You will need unorthodox but inexpensive supplies, as well as a blackboard or flipchart. There is no homework. People are sometimes horrified to discover that this exercise enters the realm of arts and crafts. But it's worth trying. The collage approach works. It's an effective icebreaker that is a good way to start a training session. It signals your commitment to the topic: you're not just lecturing, but taking a risk by trying a new approach. It also forces people to think in a new way – echoing the message of asset-based management, which asks them to take a fresh look at their clients and their communities.

If you still wince at the thought of collages, you do have another option: running an abbreviated version of this exercise. In that case, you would start with the diagram in Step 5, below. Since you won't have collages to draw from, you'll need to ask participants to name the various parties they interact with and proceed from there.

Before the session

1 Assemble supplies. This will involve some creative thinking and a little shopping, perhaps at a toy, party, or art store. Some suggestions follow, but you can use virtually any materials, as long as you provide a range of choices.

SAMPLE SUPPLIES

paint	glue	pipe cleaners
colored paper	ribbon	magazines (for cutting up)
wood sticks	fake money	plastic figures (animals, people)

2 During the session, you'll quickly assemble a model collage to illustrate the exercise for participants. You'll need to decide whether your collage will show the defender world (like the collages participants will make) or a different realm, such as the district attorney's office (in case you're concerned that participants might otherwise follow your example too closely). Take an inventory of the supplies you have, then plan how you'll put them together in your model collage.

During the session

1 Explain the exercise (sample language follows). The idea is for defenders to explore their views of where they fit into the criminal justice system and the community. Try to give participants adequate information about the mapping process without telling them what to put on their maps.

SAMPLE LANGUAGE: Our office operates in a world that also includes many other agencies, organizations, individuals, and groups. Take a minute to think about who they are, and how much space they take up. *Space* in this context can mean many things: size, amount of resources, or political clout. And where do we fit in? How much space do *we* take up?

We're going to get your creative juices flowing with this exercise. You're going to translate the worldview in your head into an actual, tangible map, using these materials we've assembled. Your map can be as simple or as elaborate as you like, or as metaphorical or literal. But it should be comprehensive: try to include all of the agencies, organizations, individuals, and groups that affect the defender world, for better or worse.

SUGGESTED RUNNING TIME: 5 MINUTES

2 Construct your own map to show participants what you have in mind. You don't need to do a full version, just enough to give them the idea. Explain who the parties you're mapping are and why you chose the particular materials to represent them. For instance, if you've decided to do a map of the defender world, you might say that you used a small figure to represent your office, and put it in the corner, because you often feel overpowered by and isolated from other members of the criminal justice system.

SUGGESTED RUNNING TIME: 5 TO 10 MINUTES

3 Have participants assemble their maps.

SUGGESTED RUNNING TIME: 30 MINUTES

4 Ask a few participants to describe what they've included and why. What metaphors did they use? Did they display any unusual stakeholders? What do the relative size or positions of the players tell you?

SUGGESTED RUNNING TIME: 10 TO 15 MINUTES

5 Go to the board (or flipchart) and draw a simple diagram. Put your office at the center, then, surrounding it, put a sampling of the fellow players that have come up in the discussion: for example, nonprofit groups, treatment providers, churches, the police, the district attorney, hospitals. Connect each group to your office – not with straight line, but with a double-sided arrow. This makes the point that these relationships are reciprocal. Then ask the group to explain not only what your office gets from the relationship, but what it gives.

SAMPLE LANGUAGE: Here are some of the groups we came up with. Let's start with local churches. What do they offer us? Physical space for meetings, existing social service and recreational programs, a place many of our clients are already connected to. Now what do *we* bring to *them*? We help them fulfill their mission to serve their flocks, by providing the legal help their members need. We help them carry out goals like keeping families together. We can also provide help to the church itself in legal matters.

In thinking about our role, we have to remember that we are part of the community, so we can't just draw on it – we have to give something too. Let's look at some other groups. How about the local schools, or neighborhood groups, or small businesses? What can we get from them? What can we offer?...

SUGGESTED RUNNING TIME: 30 TO 45 MINUTES

6 Sum up the discussion by listing the groups that seem to hold the most promise. You might ask for volunteers to do some outreach to these groups.

Exercise 2: Stakeholder mapping to address a specific problem

This exercise is for people who are already familiar with the basic ideas behind stakeholder mapping and asset-based management. It applies the mapping process to an actual problem facing your office and helps participants develop ideas about resources they can draw on to solve it. It is particularly well-suited to involving your nonlegal staff, since they often have perspectives and connections that differ from those of your lawyers.

This exercise requires pre-session homework. We provide a model assignment based on the Darrow scenario, but only for illustration. You'll need to come up with homework based on your own office's needs and experiences.

Before the session

1 Distribute the assignment, in which you'll ask your staff to suggest, in writing, resources you can use to address a problem (or meet a challenge) your office is facing. Name a due date.

MODEL ASSIGNMENT: I recently attended a meeting on the proposed community court, which was organized by Judge Brown. It went well: I managed to convince him and the other participants to consider broadening the roster of drug treatment providers they'd lined up, with a special focus on finding services in our clients' neighborhoods.

I don't think they actually believe such resources exist there. I'd like to prove them wrong. But the truth is, I'm not sure of precisely what's out there. Also, I think we'll need to be creative in how we think about this: although the capacity is there, we all know it's not in the form of the big treatment centers that exist downtown.

I'd like your help in figuring out what those resources might be. What institutions exist in our clients' communities to help us? What smaller or less formal groups exist? Who besides the treatment providers themselves might help our clients complete their treatment programs? Who would be good contacts? Please draw up as long a list as you can. Think broadly and creatively. This is for brainstorming, so even if you have an idea that seems a little far-fetched, include it.

2 Read the lists thoroughly, looking for both common and contrasting recommendations. Pay particular attention to the contributions of any nonlegal staff attending your session.

3 Choose several assignments for group discussion. Notify the writers, as a courtesy. You may not need to use more than one assignment, but it's good to have several possibilities, just in case.

4 Prepare a handout listing all of the participants' suggestions. A long and varied list will emphasize one of the major lessons of this exercise: that numerous resources exist in your clients' community. It will also give your staff ideas for resources they can look for in other contexts.

During the session

1 Ask the writer of the first homework assignment you've chosen to briefly describe his or her list. Then open up the discussion. Ask participants if they see additional ways the parties on the list could help supply (or secure) drug treatment.
SUGGESTED RUNNING TIME: 10 MINUTES

2 Since this exercise is targeted to a specific problem, you also need to call participants' attention to any possible drawbacks to the parties and resources you've been discussing. What baggage do they bring? Would working with one party alienate another? Is it better to pick someone with political clout but few concrete resources, or someone who could offer lots of tangible help but might pose public relations problems? The idea is to encourage your staff to consider the trade-offs that inevitably come with building connections and exchanging resources.
SUGGESTED RUNNING TIME: 10 TO 30 MINUTES

3 Ask participants to suggest additional parties, and to once again consider both the pluses and minuses of involving them.
SUGGESTED RUNNING TIME: 5 TO 20 MINUTES

4 Depending on how much time you have and how many ideas the first assignment generated, you might want to spotlight another of the homework assignments you previously selected. If so, repeat the process described above, using a written assignment that recommended parties or resources you haven't already discussed.
SUGGESTED RUNNING TIME: 10 TO 30 MINUTES

5 End by distributing the handout showing the full range of possible resources participants suggested in their homework assignments.

Appendix: guidelines and homework assignments for training sessions

Writing a critical incident

Instructions

Using the guidelines below, write a description (no longer than a page) of a critical incident you experienced. We'll use these descriptions to deepen your understanding of the original situation and explore alternative actions you might have taken. In the process, you'll develop ideas for approaching similar challenges in the future.

These write-ups will be used in a group setting, so that we will be able to learn from each other's experiences. Please remember this as you think about a subject and prepare the description. Don't write anything that could hurt or embarrass any of your colleagues.

Keep your write-up to a single page. A sample is on the reverse of these instructions.

What is a critical incident?

A critical incident is an event from your work life, an actual encounter that didn't go well. It should be an episode in which you doubted your effectiveness or felt frustrated or less successful than you could have been.

Choose an incident to write about. Consider these criteria:

Don't select an episode that was a no-win situation.

Don't feel that you need to describe a major event. It's fine to describe something small, like a quick encounter or a difficult telephone call.

Think of an episode in which the choice of a different strategy or way of interacting might have resulted in a better outcome.

Pick an episode you still find somewhat puzzling – one in which you still don't fully understand what went wrong.

Describe the situation

Begin with a paragraph describing the setting, the people involved, the purpose of your intervention or interaction, and any other important background information. Then answer these questions:

What was your strategy? Write a paragraph about your strategy. What were your objectives? Why? How did you intend to achieve them?

What happened? Briefly describe the results.

Why the frustration? Finally, write a few sentences describing why you felt frustrated with the encounter.

Sample critical incident write-up

Use this as a model for your own description. See the reverse side for instructions.

The situation

Shortly after his appointment, the new police chief in my jurisdiction changed the jail visitation policy. The new policy severely limited my office's ability to consult with clients. I knew that the chief's rationale – that security required the reduction in visitation hours – wouldn't fly, and that it would only be a matter of time before the policy's limits on our access to clients would be struck down.

The chief's predecessor and I had not seen eye to eye on many things. And the old visitation policy wasn't great, either. I saw a chance to establish a good working relationship with the new chief and to implement some visitation ideas I'd had for a long time.

My strategy

I set up a meeting with the chief. My goals were to explain why the policy was patently unlawful and to let him know I was willing to help him brainstorm alternatives. To prepare for the meeting, I had someone brief me on the case law on lawyer visitation. I entered the chief's office with a cheerful smile and an impressive assortment of legal folders under my arm, ready to snowball him with the strength of my case.

The result

My strategy went nowhere. To my amazement, the chief was completely defensive. Apparently, he had agreed to meet with me just to tell me, face to face, that he wasn't interested in hearing my thoughts about how he ran his organization. Still, I tried to give him some alternative visitation options to consider. He would have none of it. The meeting devolved into a shouting match, with my threatening to haul him into court within the week if he didn't change the policy. At the end of the meeting, I was the one in the corner. My only choice was to sue.

Source of my frustration

After sending a demand letter and then spending three months banging heads with the city attorney, we sued, and eventually the chief changed his policy. But the change was long in coming and far from perfect. My attorneys still have to jump through hoops to visit clients at certain times of the day. I believe we could have gotten a better deal through a presuit resolution. Though he had a bumpy start, the chief has now gained the respect of other justice system heads. He wields some power. Unfortunately, he has not forgotten our encounter. I haven't met with him about anything since then and he barely acknowledges my presence when I see him at public gatherings.

Planning and running a critical incident session: guidelines for facilitators

Planning the session

Read – and reread – participants' assignments

Become thoroughly familiar with your group's write-ups before the session. Look for ways people's personalities or biases seem to have affected their original actions, as well as their interpretations of the incidents. For instance, does John seem to have a particularly strong anti-authoritarian bent? Does Jane seem prone to dashing off angry letters?

Get background on your group's members

Find out as much as you can about the members of your group. The training session's leader should provide background information to supplement what you've gleaned from the write-ups.

Plan the role plays

After you've read through the incidents, decide which ones you'd like participants to role-play. (You might do this in consultation with the training session's leader.) Also choose which part of the incident you want the group to enact: some portion of the actual incident, its aftermath, or events that preceded it. There is no rule here – you need to decide based on your reading of the write-ups and what you've learned about the participants.

Running the session

Establish your authority

Be aware of how your presence affects others. For some people, it might be familiar and comforting; for others, it might be unfamiliar or distancing. Many factors are involved, including your race and gender. Once you've identified potential pitfalls, think about ways to prevent them and make people feel at ease from the start. Some facilitators use humor or small talk to help people adjust; others present themselves as instructors, bringing charts and tangible materials to buttress their authority. It doesn't matter what route you take. The important thing is to take whatever steps you think are needed to ensure that people respect you and are comfortable with you.

Remember your many roles

Facilitators must play a variety of roles during the small group sessions.

Translator: Your first duty is to ensure that your group understands the process. Make sure people are clear on the importance of role-playing, rather than describing, their incidents.

Lookout: Keep close watch over the group dynamic, making sure that each person participates. Watch for signs that people feel uncomfortable or overpowered. You may need to keep some people in check while encouraging others to contribute.

Cheerleader: You need to cajole people into the role play. They may initially feel embarrassed about getting into role, so be prepared for their reluctance. Humor is always a good tool for solving this problem.

Devil's advocate: Challenge people to examine their biases and gain perspective on their situations. Sometimes you will need to prod them for more information, or to suggest alternative approaches, some of which they may initially resist.

Follow these tips

Facilitators have many tools at their disposal. Here are a few.

Assign roles: You can ask for volunteers or make this decision yourself. It's often effective to do the same role play more than once, assigning new people to the roles.

Freeze the action: Stop the role play to ask people for observations. You might ask participants to give their thought in character (*How do you feel now, Judge?*) or as individuals (*John, how does this resonate with your experiences as a defender in your own jurisdiction?*)

Move the action: You can move the action downstream (later in the life of the incident) or upstream (earlier). Also, consider introducing new background information.

Maintain your neutrality: Don't become invested in one viewpoint. The more open you are to multiple interpretations, the more effective you will be in eliciting people's thoughts.

Instructions for the peer consultation exercise

Please write one or two paragraphs describing a problem you're facing or an issue you need to decide. It should involve personal interactions of some kind. Provide some background, then describe your dilemma, along with any other relevant facts.

We will be using these write-ups as the basis for an exercise in which your colleagues help you explore whether you've considered your problem from all possible angles. The exercise will provide you with feedback and advice, much of which you can apply to future dilemmas, not just the one at hand.

In choosing a subject, remember that your description might be shared. So don't write about anything that needs to be kept confidential or that might be sensitive for other reasons. And remember: keep it short – no more than a couple of paragraphs. Use the sample below as a model.

A proposal for a community court in my county has been gathering steam. I've publicly opposed this court in the past, but this time I think it's going to happen, no matter what I do. And, to be honest, I've looked harder at the proposal, and come to realize that in spite of its flaws, it does in fact hold a lot of promise. So I feel I can't oppose it this time.

Still, I do want to deal with some of its defects. One concern I have is that convictions will remain on our clients' records. I'd like the charges to eventually be dismissed. But I know Judge Brown, who is the moving force behind this proposal, opposes this idea, so I need to tread carefully. To make matters worse, Brown and I have a longstanding bad relationship. We once had a shouting match right in court. I think he's a real blowhard. I also think he's pushing for the court because he thinks it will give him more visibility – he's very ambitious. It's hard for me to even keep my cool around him, so working with him is really going to be tough. But I know I need to find a way to collaborate with him.

How should I approach him about this issue of dismissing charges?

Sample questions to pose during the peer consultation exercise

How do you think the other parties involved would view this issue?

Who else cares about this issue?

Is there another issue underlying this problem? Could it bear on – or explain – the other parties' reactions?

Does this kind of issue occur often?

Have you sought feedback or advice from anyone else in your office?

Have you sought feedback or advice from anyone outside your office?

What do you know about the other people who are involved?

How do you think they would describe the issue? Would their description resemble yours?

Are there considerations of race, gender, or class at play?

What is your goal? Can you achieve it on your own? If not, whose help do you need?

What alternatives exist? Could you live with them?

Whose opposition do you need to overcome?

What steps do you need to take before you approach other people, or before you make your recommendation?

Have you thought about which forum makes the most sense for advancing your proposal?

Who is the best person to make your case – you or someone else?

What approach is most likely to work – hard-hitting or friendly? Formal or informal?

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