



# THE NATIONAL JUDICIAL COLLEGE

*Making the world a more just place  
by educating and inspiring its judiciary*



## LEADERSHIP AND MANAGING CHANGE

## DIVIDER 8

Professor Kelly Tait

### OBJECTIVES:

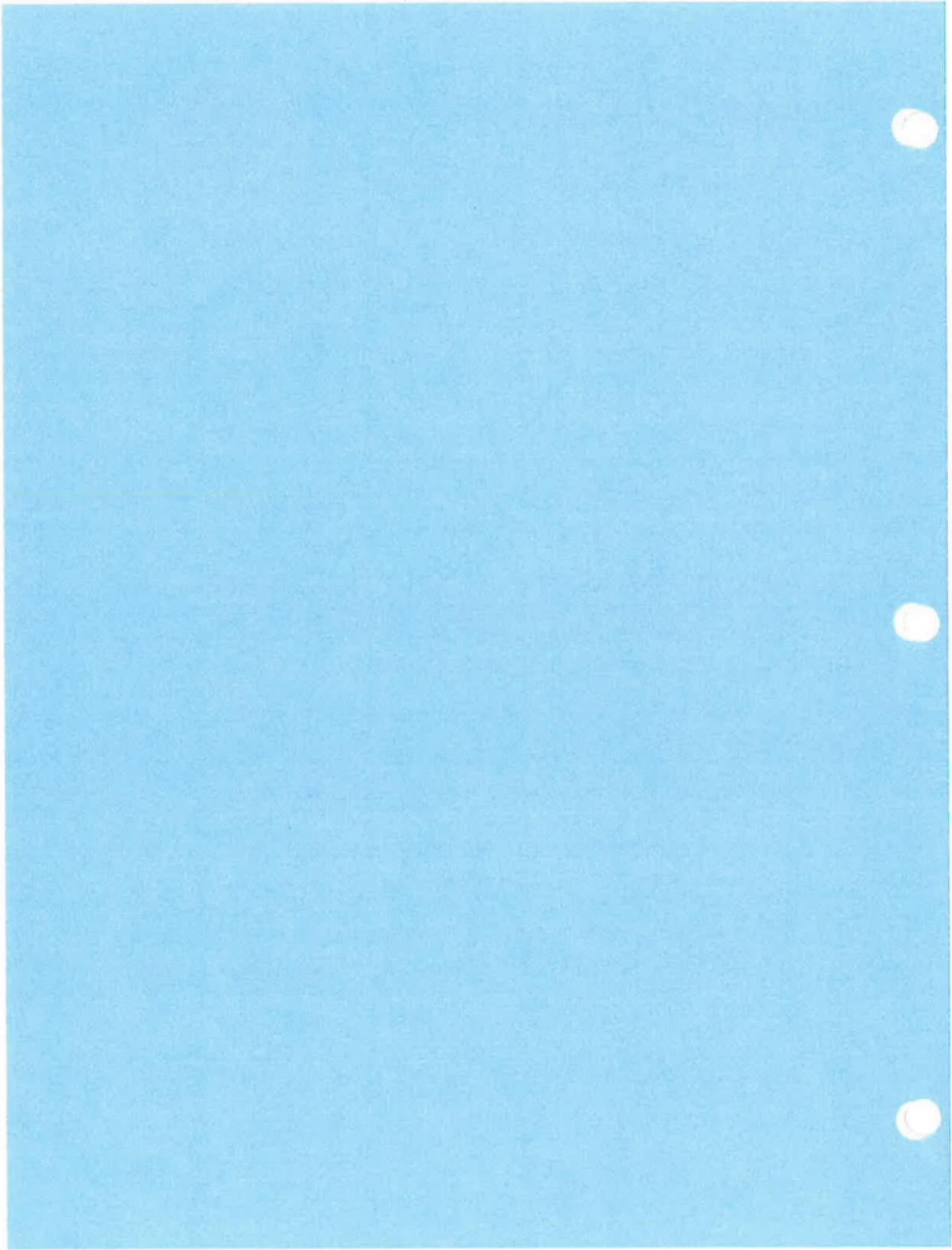
After this session, you will be able to:

1. Discuss why **change** is challenging;
2. Explain how to use aspects of thinking, feeling, and behaving to make it more likely that change efforts will be successful; and
3. Give examples of how to address resistance constructively.

### REQUIRED READING:

### PAGE

1.	Kelly Tait, <i>Leadership and Managing Change</i> (Mar. 2022) [NJC Document].....	1
2.	Kelly Tait, <i>Framework for Working with Others to Create a Major Change</i> (June 2021) [NJC Document] .....	11
3.	<b>Kelly Tait, <i>Creating Change Through Habit-Building</i> (June 2021) [NJC Document] .....</b>	<b>13</b>
4.	Kelly Tait, <i>Leadership and Managing Change Resources</i> (June 2021) [NJC Document] .....	15



# Leadership and Managing Change

Professor Kelly Tait  
UNR, KT Consulting



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"It's not the progress I mind, it's the change I don't like." ~Mark Twain

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## Overview:

- ✓ Why change is hard
- ✓ Increasing the likelihood of success
  - Consider perspectives of all stakeholders
  - Address thinking, feeling, and behaving
- ✓ How to have difficult conversations

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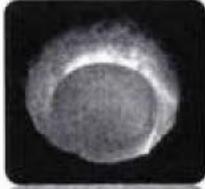
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Kelly Tait: [REDACTED]

**"Challenge is the crucible  
for greatness."**



Kouzes and Posner  
*The Leadership Challenge*

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Kouzes and Posner (continued)

"Every single personal-best leadership case involved a change from the status quo. Not one person achieved a personal best by keeping things the same. **Regardless of the specifics, they all involved overcoming adversity and embracing opportunities to grow, innovate, and improve.**"



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Complete this sentence:

Change is constant.

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Kelly Tait: [REDACTED]

Reactions to Change

- ✓ Active support
- ✓ Acceptance
- ✓ Ambivalence
- ✓ Passive resistance
- ✓ Active Resistance

**Reasons for resistance to change...**

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Fears Often Underlies Resistance ~  
People are afraid:

- ✓ Their concerns won't be heard
- ✓ We don't really understand their concerns
- ✓ We don't really value their ideas
- ✓ Change will be too "expensive" for them
- ✓ Change will leave them behind
- ✓ If someone else wins, they will lose

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Resistance to Change from a  
Psychological Perspective

"All change is loss, and all  
loss must be mourned."  
~Psychologist Henry Levinson

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### Change Takes Energy

- ✓ For anything to change, someone has to start acting differently ... often many someones.
- ✓ Change efforts come down to whether you can get people to start behaving in a new way.
- ✓ Lasting change requires addressing all three levels: **thinking**, **feeling**, and **behaving**.

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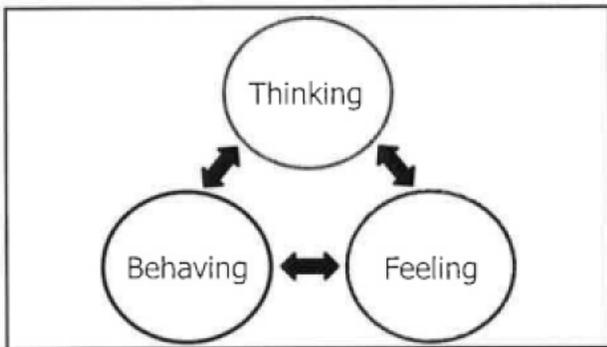
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### Consider Reactions in All Domains:



"If you wish to persuade me, you must think my thoughts, feel my feelings, and speak my words."

~Cicero, Roman Statesman

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Kelly Tait: [REDACTED]

Consider Reactions in All Domains:

- ✓ **Thinking**
  - What do others think about the change?
- ✓ **Feeling**
  - How do others feel about the change?
- ✓ **Behaving**
  - How easily can we act on the change?

~ Address all three ~

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Once Goals Are Set...

What are some ways to communicate and try to get buy-in from everyone?

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Sources and Resources

***Switch: How To Change Things When Change Is Hard***  
~Chip Heath and Dan Heath

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Kelly Tait: [REDACTED]

What looks like resistance is often a lack of clarity.

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**Thinking:** Analytical, Rational

- ✓ Follow the bright spots
  - Find what is working, adopt and adapt it
- ✓ Point to the destination; make it clear:
  - Where you're going and why it's worth it
- ✓ Script the critical moves
  - Get granular: specific behaviors

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What looks like laziness is often exhaustion.

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**Feeling:** Emotional, Instinctive

- ✓ Remind them of your common purpose by focusing on the **feelings** it inspires
  - Cultivate sense of identity, belonging (again)
- ✓ Encourage a **growth mindset**
  - Focus on psychological safety (again)
- ✓ **Shrink the change** – “chunk” it so it doesn’t feel as overwhelming

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**Growth Mindset**

**Mindset:** The power of “yet” ~ Carol Dweck, Professor of Psychology at Stanford

Connects to **Psychological Safety**

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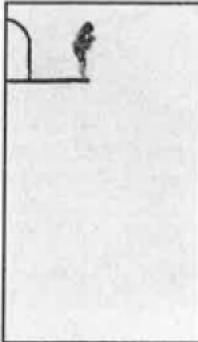
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**Psychological Safety (Redux)**

Confidence they won’t be rejected, embarrassed, or punished for speaking up

Dr. Amy Edmondson, Professor  
Harvard Business School

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Kelly Tait: [REDACTED]

Growth Mindset: Learning from Failure

**"Failure is, in a sense, the highway to success." ~John Keats**

"Avoiding Failures of Implementation"  
Center for Court Innovation

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Why Implementation Sometimes Fails

- ✓ Lack of vision – no definition of success or how to determine success, nor communication of it
- ✓ Failure of leadership/lack of champions
- ✓ Errors in stakeholder engagement strategy
- ✓ Failure to formalize the plan
- ✓ Failure to get staff onboard
- ✓ Failure to adapt to developments

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What looks like a people problem  
is often a situation problem.

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**Behaving: A Clear Path for Action**

- ✓ Change the environment
  - Choice architecture
- ✓ Help build habits
  - Be sure people have needed tools & training
  - Break into small steps; make first step easy
- ✓ Model the behavior(s) and reward it



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**Choice Architecture**

Purposeful design of how choices are presented

*Thaler & Sunstein*

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**Presenting Choices**

- ✓ Impact of how choices are presented on decision-making
  - Number of choices presented
  - Manner in which attributes are described
  - Presence of a default
- ✓ Design to "nudge" toward better choice

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Kelly Tait: [REDACTED]

**But what if it is a "people problem"?**

"No behaviour is irrational, when you factor in the *feelings* that drive it, and the *deep context* within which that behaviour occurs."

~Dr. Jacqueline Kennedy

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**What to Do: Conflict and Disagreement**

- ✓ **Be Proactive** ~ For instance:
  - If anticipate resistance, give clear rationale
  - Emphasize common goal(s)
- ✓ **Be Responsive** ~ For instance:
  - Acknowledge positive intent
  - Use active listening
  - Return to common ground
- ✓ **Remember conflict can be constructive!**

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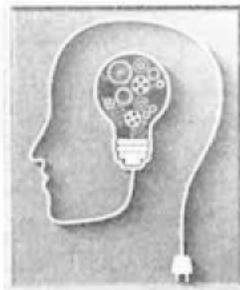
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"Progress is impossible without change. And those who cannot change their minds cannot change anything."

~George Bernard Shaw



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Kelly Tait: [REDACTED]

## Framework for Working with Others to Create a Major Change

Adapted from *SWITCH: How to Change Things When Change Is Hard*  
by Chip Heath and Dan Heath (2010)

For things to change, somebody somewhere has to start acting differently. Maybe it's you, maybe it's your team.

Picture that person (or people). Each has an emotional side and a rational side. You've got to reach both. And you've also got to clear the way for them to succeed. In short, you must do **three things**:

### 1. DIRECT the Rational Part of People's Brains (*Thinking*)

- FOLLOW THE BRIGHT SPOTS. Investigate what's working and clone it.
- SCRIPT THE CRITICAL MOVES. Don't think big picture, think in terms of specific behaviors.
- POINT TO THE DESTINATION. Change is easier when you know where you're going and why it's worth it.

### 2. MOTIVATE the Emotional Part of People (*Feeling*)

- FIND THE FEELING. Knowing something isn't enough to cause change. Make people feel something.
- SHRINK THE CHANGE. Break down the change until it's no longer intimidating.
- GROW YOUR PEOPLE. Cultivate a sense of identity and instill the growth mindset.

### 3. SHAPE the Path (*Behaving*)

- TWEAK THE ENVIRONMENT. When the situation changes, the behavior changes. So change the situation.
- BUILD HABITS. When behavior is habitual, it's "free"—it doesn't tax the rational part of your brain (decision fatigue). Look for ways to encourage habits.
- RALLY THE GROUP. Behavior is contagious. Help it spread.

(For more free resources related to this, go to <http://www.heathbrothers.com/resources/>)

Kelly Tait: [REDACTED]

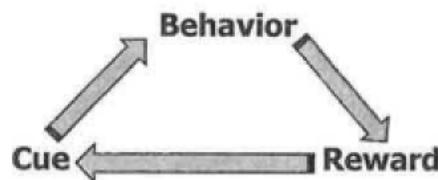


## Creating Change Through Habit-Building

Kelly Tait

Change is a skill; you can get better at it. Two good ways to change or build habits are to change your environment and to build change in small steps. *These are things you can control.* You need to understand your habits to decide how best to change them. According to numerous researchers, this is the basic structure of a habit:

**The Habit Loop:** A cue (a place, a time of day, a person, an emotion, an action, etc.) triggers the behavior (the existing routine). The behavior activates a reward. The reward reinforces cue, making it more likely to trigger the behavior again. (An excellent book about this is *The Power of Habit: Why We Do What We Do in Life and Business* by Charles Duhigg, Random House, 2012.)



*To create or change a habit, you need to address one or, ideally, more of these things.* Sometimes the key is figuring out the actual reward(s)—it's not always obvious. Rewards can be small, but they need to be as close in time to the behavior as possible.

According to Dr. BJ Fogg (<https://www.bjfogg.com/learn>), a behavior scientist at Stanford University, habits are like plants. To grow one, you should:

1. Start with something tiny (analogous to a seed or a sprout).
2. Find a good spot for it in your "garden" (a good place for it).
3. Nourish your tiny plant so the roots get established (use rewards to reinforce).

In terms of behavior change, these translate to:

1. Start small: *Focus on a very small behavior that leads into the bigger behavior you want.*
2. Choose the right environment: *Attach your new behavior to a solid existing routine, one in a good place and time for the new behavior also to occur.*
3. Help establish the roots: *Practice your new behavior, and nourish the new behavior (reward it)—attach positive emotion to it; have the reward follow the behavior quickly.*
4. And an additional step--If there are issues with the new behavior taking root:  
--**Assess a)** *if it's the right small step to start with, b)* *if it's connected to the best possible existing behavior, c)* *if you have actually rewarded yourself for doing the new behavior*  
--**Adjust one or more of the above.** *Change is a skill and so requires practice.*

Think about two or three behaviors you would like to add to your day. Consider different aspects of your life including work routines (e.g., a pattern of communication you want to change, using a checklist, making a small change connected to a larger change you want to make), health (e.g., walking more, having a healthy lunch, taking a break from screens several times a day), and other rejuvenating practices (e.g., mindfulness, gratitude, connect to nature), etc.

--Continued--

## Creating Change through Habit-Building (continued)

Kelly Tait

Note: Trying more than one new small behavior can be helpful in terms of providing more opportunities for you to learn about how behavior change works and to make adjustments. However, it's also fine to focus on just one. Commit to practicing the behavior(s) you choose for at least five days. [To try this in a format with feedback built in, go to <https://www.tinyhabits.com/> for Dr. Fogg's free five day program.]

For each behavior you want to add to your day, carefully consider:

- ◆ **What smaller actions add in to make up the larger desired behavior?** Pull it apart into its smallest steps. There likely will be “high impact” moments in those steps (often ones very early in the behavior)—ones that are key to the behavior even being possible; note these as possible places for change. Choose a very small behavior to focus on first.
- ◆ **What would be the best existing routine to connect the new behavior to?** An ideal routine will be one that is well-established, occurs with the same frequency as you want for the new behavior, and is related to the existing routine (perhaps in the place it occurs, time of day, type of activity, or overall goal). You want to connect or “anchor” the new behavior to a strong, appropriate existing one; the existing one will become a cue for the new one.
- ◆ **What do you need to do to set up the environment for success before you start the new behavior?** For instance, are there materials that need to be in place?
- ◆ **How will you make sure to associate positive emotions with the new behavior when you do it?** Positive reinforcements *don't* have to be big but are **necessary**—rewards, mini-celebrations, acknowledgments. (**IDEAS:** cross item off list; report to friend/ family; smile to self; take a brief break; say “Good job,” etc. May sound silly, but research is strong: some small but enjoyable reward makes it much more likely you will repeat the behavior.)

**Give it a go:** Below, write a formula for a new small behavior you would like to start—“After I (existing behavior), I will (new small behavior),” plus a little reward (along the lines of those mentioned immediately above) to follow each time you do it.

1) “After I \_\_\_\_\_,

I will \_\_\_\_\_.”

*My (small) reward will be:* \_\_\_\_\_

**CONSIDER:** How these tips for making changes to your own behavior could be helpful in planning how to help others change, as well....

Kelly Tait: [REDACTED]

## Leadership and Managing Change Resources

Compiled by Professor Kelly Tait

1. Chiamulera, Claire, and Melissa Gueller. “**Redefining Judicial Leadership: Stories of Transformative Practice.**” National Council of Juvenile and Family Court Judges (2020). 11 accounts by judges related to establishing new practices and improving existing ones.  
[REDACTED]
2. Cissner, Amanda B., and Donald J. Farole, Jr. “**Avoiding Failures of Implementation: Lessons from Process Evaluations.**” Center for Court Innovation (2009). Best practices for avoiding pitfalls in implementing a new initiative, with case studies.  
[REDACTED]
3. Creately Blog, “**The Ultimate List of Change Management Tools to Drive Change Like a Pro**” (updated 1/25/2021). Brief overview of well-known tools for assessing and implementing change measures [REDACTED]  
[REDACTED]
4. Duhigg, Charles. *The Power of Habit: Why We Do What We Do in Life and Business* Random House, 2012. Excellent book on how habits form and how to change them.
5. Fogg, B.J. *Tiny Habits: The Small Changes That Change Everything.* Mariner Books, 2021. Stanford University behavior scientist’s shares breakthrough method for building habits quickly and easily.” Also see his website and free coaching on structuring for changing habits one little bit at a time. [REDACTED]
6. Heath, Chip, and Dan Heath. *Switch: How to Change Things when Change Is Hard.* Broadway Books, New York, NY (2010). Very useful, readable book with citations to studies to support points. Also see authors’ website [REDACTED] for resources related to Switch (and their other books), including a one page overview, short podcasts on applying the framework to different types of change, and an outline for teams’ change efforts.
7. National Center for State Courts. **Leadership/Change Management Resource Guide.** Numerous links to articles and other sources. [REDACTED]  
[REDACTED]
8. Stone, Douglas, Bruce Patton, and Sheila Heen. *Difficult Conversations: How To Discuss What Matters Most*, 2010 edition, Penguin Books, New York, NY. Excellent book that discusses the underlying structure of difficult conversations and the importance of shifting to a learning stance and disarming the impulse to lay blame, among other things.
9. Thaler, Richard H., et al. “**Choice Architecture.**” 2010. Analyzes some tools for nudging people toward better choices. [REDACTED]  
Also see Thaler, Richard H., and Cass R. Sunstein. *Nudge: Improving Decisions about Health, Wealth, and Happiness.* Penguin Group, 2008. Excellent book about “choice architecture.”

