

Navigating Transitions in Judicial Leadership Guidance for Domestic Violence Courts

One of the key principles guiding successful criminal justice and specialized court responses to domestic violence is judicial leadership. Judges can be instrumental in moving projects forward through marshaling resources and engaging stakeholders. Having a judge as part of an interdisciplinary team, helps facilitate system-wide collaboration and impact.

So what happens to domestic violence courts when a judicial leader retires or transitions to a different position? The new judge must learn about the project's history and the team members and partner agencies. Judges who are new to domestic violence courts will need to become familiar with the unique aspects of the judge's role in a specialized court, and may need time to develop their own style in doing the work. Sometimes a loss of momentum or desire to continue a court project can occur, and the court may struggle, change in unproductive ways, or even shut down.

Court teams can take specific steps to minimize the negative impact of a change in judicial leadership, and actually strengthen their specialized court in the process.

Here are some tips for domestic violence courts experiencing judicial transition:

Have a Plan for Transition

- As judicial transitions may happen quickly, have an up-to-date "transition plan" in place that can be implemented when transitions occur, with a designated back-up judge already selected. The first step should be advising the court team and litigants of the impending change with as much advance

notice as possible. This will allow time to implement some of the following suggestions, and for staff, victims, and defendants to process and prepare for the change.

- Each team member should create a written description of his or her role and responsibilities. These descriptions should be updated regularly and compiled in a binder that can be given to the new judge so that he or she can learn not only about his or her predecessor's role, but also what duties all team members perform.

View the Transition as an Opportunity

- Try to view the transition not as a stressor or source of vulnerability, but as an opportunity—for taking a fresh look at court operations, for renewing relationships, and for further strengthening the court.
- Convene regular check-ins with the team to discuss court operations and how the transition is going, and to celebrate successes large and small. Consider using the Center for Court Innovation's Domestic Violence Court Self-Assessment: Revisiting Goals, Challenges and Progress to reevaluate and prioritize areas.

Prep the Replacement Judge

- Identify a long-standing member of the court team or a court administrator who can take on the role of supporting and advising the judge.
- Create a “cheat sheet” for the incoming judge that contains basic information about the project, such as days and times when the court is in session and when staffing sessions occur, names, roles, and contact information for current team members, and a brief description of the history and mission of the project.
- The court should have an updated policy and procedure manual that the new judge can review.
- If feasible, schedule a period of significant overlap between the two judges, so the new judge can learn as much as possible from the outgoing judge. This training period should include mentorship, extensive observation of (and eventual participation in) interdisciplinary team meetings and court sessions, peer-to-peer consultation, discussion of notable cases, and assistance with problem-solving and relationship-building. It’s also helpful if the incumbent judge can remain available by phone or email for consultation.
- Create written practice guidelines and share these with the new judge. Aside from a policy and procedure manual, these might include Memoranda of Understanding (MOUs) with partner agencies, referral and compliance reporting forms, community resource information, a participant handbook, and a sanctioning matrix, if one is used. Such documents will allow for court practice to remain as consistent and predictable as possible.
- Focus on incorporating the new judge into the interdisciplinary team and keeping the team strong. The judge should be prepared for the fact that the team members will look to the judge to provide guidance and make decisions where the team has failed to reach consensus.
- The judge can conduct site visits to the various stakeholder agencies to learn more about their services and build relationships, including victim service agencies, batterer intervention programs, and culturally specific organizations. Ideally, the new judge will participate in specialized training with the court team, including cross-training to share expertise and understand each stakeholder’s role and perspective. The judge should also talk to other judges who handle domestic violence cases, such as family court, to ensure that there is system coordination and information sharing where possible so that conflicting orders aren’t issued.

Train the Replacement Judge

- Should court observation of the incumbent judge not be possible, the team should consider holding mock court sessions and staffing sessions for the new judge so he or she can get a feel for how the proceedings operate.
- Connect the judge to *Domestic Violence Mentor Courts* and if possible, schedule a site visit to observe court and meet with the judge and court staff, or set up a virtual or phone meeting. The Center for Court Innovation has *videos* of successful domestic violence courts and *interviews* with leading experts in the field on its website.
- Arrange for the new judge to receive specialized domestic violence training as soon as possible. This training should ideally be in-person and address various aspects of domestic violence, including the dynamics of power and control and risk factors of lethality. Where possible, have the judge attend the *Enhancing Judicial Skills in Domestic Violence Cases Workshop* held by the National Judicial Institute on Domestic Violence.
- Supplement in-person training by having the judge read relevant publications and practice guidelines, such as judicial benchbooks and other resources. The Center for Court Innovation has many online written resources

available. Some helpful publications may include: *Criminal Domestic Violence Courts: Key Principles*, *Collaborating with Victim Service Agencies*, *Domestic Violence Court Compliance Monitoring*, *10 Things Courts Should Know About Their Local Intervention Programs for Abusive Partners*, and *Integrating Procedural Justice in Domestic Violence Cases*. It may also be helpful for the judge to read through case files and reports from closed cases.

For More Information

For additional assistance with navigating changes in judicial leadership, please contact the Center at dvinfo@courtinnovation.org.

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