TEXAS DISTRICT & COUNTY ATTORNEYS ASSOCIATION



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7 simple suggestions for leading in a crisis

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A friend at TDCAA thought I could write about leadership in a time of crisis. My first reaction was, "My need to read that article far exceeds my ability to write that article."

My second thought was that I might be able to share some suggestions for two reasons. First, I have made many mistakes in leadership more than most. Second, I have observed several outstanding leaders in times of crisis, and two men in particular stand out in the legal field. With my mistakes and those men in mind, let me offer a few practical suggestions.

Walk around.

There is no substitute for the physical presence of a leader.

I first met then Colonel Clyde Tate in 2005 at his "law firm" in Baghdad, Iraq, in a palace—Saddam Hussein's palace, to specific.[1] Colonel Tate set up his Staff Judge Advocate (SJA) office in Saddam's bedroom, a space of about 5,500 square feet.[2] Lawyers and legal assistants were scattered around the room in a maze-like configuration of moveable partitions and makeshift desks. Colonel Tate had his own enclosed space with a door.

The work at the SJA office was hard, urgent, and stressful. There were significant and random physical threats to the staff. There was a massive flow of information, and much of that information was uncertain or unreliable. Things changed rapidly from day to day—often on the same day. Resources were generally adequate but never abundant.

In other words, it was very much like a Texas prosecutor's office today.

Colonel Tate was the senior military attorney in Iraq at the time.[3] He did many things I seek to emulate now. Perhaps the most important was deceptively simple, namely, that he took the time to walk around the office and speak to everyone who worked for him. These interactions were often only a few minutes long, but they meant the world to his soldiers. These walks encouraged his subordinates, but they also kept Colonel Tate apprised of any number of things—general conditions, unexpected challenges, specific cases, etc. Colonel Tate was extraordinarily busy, but he made the time for these encounters, probably because there was no better way to get a feel for how those under his command were doing than to see it with his own eyes. As someone who benefited from his "walk-arounds," I assure you those moments with Colonel Tate were tremendously important to those who worked for him.

By contrast, another colonel working 20 miles from our office took a drastically different approach. This colonel's charge was to lead soldiers at the infamous Abu Ghraib prison, a place in a constant state of crisis. The colonel, by all accounts, was brilliant. And busy. So busy, he stayed in his office working around the clock. His work was indisputably important, but it occupied him entirely behind a closed door. His subordinates rarely saw him, and he rarely spoke to them.

The results were predictable. His people lost focus, they became confused and discouraged, the mission faltered, and disaster resulted. You can read all about it on Wikipedia.[4] The United States Army would later promote Colonel Tate to the rank of major general. The other colonel's career ended with disciplinary action and deep regret.

In my office, District Attorney Brett Ligon consistently and intentionally does what Colonel Tate did years ago.[5] He walks around. He talks. He jokes. He sits in an office not his own, and he listens. It makes all the difference.

I struggle with this. As I get older, I find myself becoming more introverted. I also find myself "Abu Ghraib"-busy all the time. I can justify why the work on my desk must be done and done right now. I discount physical presence as being too simplistic to make a difference. I can convince myself I'm bothering my people, who are busy themselves. I worry that my interactions will be uncomfortable. (I do not wish to brag, but I have an advanced degree in awkward.) And, as I write this, a pandemic gives me perfect cover to do what I instinctively want to do, which is to stay right here safely at my desk and avoid others.

But those are all just excuses, and I know staying in my office is precisely the wrong approach, especially in times of crisis. So I remind myself, and you, to walk around.[6]

Dispense calm.

Emotions are contagious. Anger and frustration can spread like ... a virus. Fortunately, so can calm.

During times of crisis, ordinarily self-sufficient people find themselves looking to their leaders for reassurance, guidance, and, perhaps most importantly, stability. Their fundamental question to us becomes, "In the midst of this turmoil, what can I expect from you?"

At this precise moment, a leader has to dispense calm. Sometimes this means leaders have to manifest a calm they don't themselves feel. Here is an illustration in the negative: While I was in Iraq, there was an Army officer (a lawyer, sadly) who was in the area of a rocket attack. He was not injured, but he was rattled as a person tends to be rattled after explosives are uncharitably directed one's way. Unfortunately, while still rattled, this officer grabbed a young enlisted soldier by the shoulders, looked him in the eye, and said with all the intensity he could muster, "We aren't going to make it out of here alive!"

The opposite of this encounter is what I'm referring to when I say use the term "calm."

There is some nuance here. Calm does not mean the leader does not take risks seriously. A credible threat to an employee's safety, for example, requires a serious, timely response, but not a panicked one. Equally important, calm does not mean "passive." It does not imply a retreat into inaction. A crisis requires movement and decisions with a sense of urgency. But how do you move with urgency and still be calm? A particular phrase might help here—one I learned years ago on the island of Okinawa, Japan.[7]

At the time, I was (unsuccessfully) representing a soldier at an administrative separations board. During a particularly important moment in the hearing, I was trying to get several documents in order and hand them to various board members while at the same time make some complicated points about the facts and the relevant Army regulations. I was hurried, harried, and not a little panicked, and I was making a mess of it all. I remember my hands visibly shaking and my words running together as I rushed through things. My client, an experienced Special Forces non-commissioned officer, gently laid his hand on my forearm and quietly said, "Slow is smooth; smooth is fast."

Great wisdom can be found in this statement, and I still think about it when I feel like things are stressful. The idea is that if I rush, I will regret it. Instead, I move with deliberation and at a speed that obtains the best outcomes. Calm is a deliberate, smooth, forward movement. Calm is contagious.

Pace yourself.

You can't lead others if you don't first manage yourself.

From time to time, we all need to work around the clock and to do so for an extended time. Some trials are like this. Those situations may require us to surge, staying up late and pushing ourselves beyond our comfort level. A surge, however, is not sustainable. We all have physical, mental, and emotional limits, and we have to manage ourselves to stay within those limits. Failure to do so makes us ineffective, and an ineffective leader can be worse than no leader at all.

Many years ago, when I was a military police officer, I took 20 military policemen and seven heavily armed Humvees to the National Training Center in Fort Irwin, California, for a massive training exercise. [8] A giant "war game," if you will. I was a newly commissioned second lieutenant with little experience, but because of a quirk in the organizational scheme, I did not have anyone to supervise me directly. It did not end well. At one point during the two-week "war," I stayed awake for 31/2 days and ate twice. At the end of those 31/2 days, I literally could not complete a sentence. My extreme fatigue also caused me to miss a crucial piece of information during a briefing by the brigade commander.[9] Missing the information, in turn, caused my platoon to fail at its mission at a critical time during a particular "battle."

If you had asked me why I had not slept for more than three days or why I hadn't taken the time to eat, I would have given you many excuses framed as reasons. Most of my excuses would have leaned on my self-perceived "indispensability" or the urgent "need." The truth is I exceeded my limits—indeed, I did not even recognize I had them—and others suffered for my mistake. Fortunately, this wasn't actual combat.

You would think a lesson so painfully learned—take care of yourself so you don't become non-mission capable—would stay with a person. But just a few weeks ago, I forgot the lesson. During the pandemic and the protests surrounding the death of George Floyd, I found myself working more or less around the clock and not doing the things I should to stay effective, such as exercising, eating well, and resting. In a crucial meeting with other key leaders, I found myself unreasonably impatient, disorganized in my thinking, and unclear in my communications. I did no one any good and made a difficult situation worse. Brett, in a very gracious manner, suggested I take a day off in the middle of the week. The day off made all the difference—a break was exactly what I needed.

Here, then, is our challenge as leaders: Most of the time, we don't have someone to monitor us carefully and to tell us when we should sit out a few plays. Almost always, we have to do this for ourselves. This is especially true during a crisis when everyone else is already fully engaged, and we are most likely to try to surge for an unreasonable time. The first rule of leadership, however, is to manage oneself. Violating this rule generally ends poorly, not just for us but also for the men and women we are privileged to lead. So we have to pace ourselves. As Brett often says, "This is a marathon, not a sprint."

Prioritize mission.

An appeal to the mission focuses and unifies.

I cannot think of a time when our community and our office has been more polarized, both emotionally and philosophically, or more stressed. This is an extraordinarily challenging time. Within a few months, we've been through an impeachment crisis, which flowed into a global pandemic, which is taking place during an economic crash that is occurring at a time of significant civil unrest. (In a sense, we are living through 1974, 1918, 1929, and 1968, respectively, all at once.[10]) And, by the way, none of the other challenges we were dealing with before these events have gone away.

Our office boasts a substantial diversity of experience, background, political philosophy, and personal principles. Our diversity serves us well, and we would not trade it for anything. The same diversity, however, which makes us so effective in service, can create divisions when controversial matters arise, as different groups earnestly and honestly grapple with different issues in different ways. For example, some people within the office

have opposing views concerning the government's approach to the pandemic. We have people of goodwill struggling to think through the significant issues connected to current protests. And with a national election around the corner, we have many differing opinions about a whole host of other issues.

Without forgoing the conversations that must take place about all of these and other issues, Brett recognizes that all of our employees share a desire to execute our mission. And so, Brett presses them to do that very thing, making a consistent appeal to that mission. The mission is our shared bond; the mission is our unifying call. The mission provides a firm place to stand when everything else seems to be moving. And the mission is why we are all together in the first place.

Colonel Tate used the same approach when I lost someone close to me in Iraq. My friend's trailer was struck by a rocket a short distance from my own sleeping trailer, and his death was devastating. Without discounting my pain in the least, Colonel Tate helped me channel those emotions to productive, meaningful work. In a way that only someone who truly cares about you can do, Colonel Tate told me I should use my love for my fallen friend to do the best I could by him going forward. I won't ever forget that moment. It was an appropriate appeal to honorable service that allowed me to work through my struggles and my pain. All of us have honorable and important missions, and we can point our people to the mission again and again.

Define reality.

"The first responsibility of a leader is to define reality." —Max Depree[11]

One of the challenges in a crisis is the rapid flow of changing information. For example, during the recent flurry of county and state orders connected to the pandemic, a fair question posed by our employees and by law enforcement was, "Is it illegal to do X activity today?"[12] For those of us who lived through that remarkable time, we will remember that the answer to the question was not always obvious or easily discerned.

Another challenge during times of crisis is the rapid flow of disinformation. This has especially been true in the problems surrounding the pandemic and the protests. A great deal of misinformation and uncertainty abounds.[13] Leaders have a responsibility to sort through the noise. The folks we lead expect help to figure out what is true and what is inaccurate, what is essential and what is irrelevant. To "define reality," as it were. Defining reality requires reading and discernment. I have three suggestions in this regard.

The first is to read from balanced sources. We all have a personal political philosophy, and we all tend to read from sources that mostly agree with our philosophy. This is completely normal human behavior, but it means our reality can get skewed when we don't expose ourselves to the arguments of the other side.

The second suggestion is to read in balanced portions. Of late, I have found myself reading the news in excessive ways, which were neither good for my soul nor the best use of my time. (You can't "walk around" when you are endlessly surfing.) Just as there has to be balance in how much food you eat, there must be a balance in how much information you take in.[14]

The third involves focusing on what is essential to the mission and not merely what is of personal interest. Our people need to be informed about what matters to them and their mission. We go astray, I think, when we lobby them on issues that are highly debatable, excessively contentious, and not needed for their day-to-day work and life. By way of example, spending extensive time arguing why a particular witness in a Supreme Court confirmation hearing should or should not be believed arguably detracts from the mission. On the other hand, explaining why family violence victims are particularly vulnerable during a pandemic would be worthy of our time and theirs.

In sum, we do the hard work of helping our people interpret information in ways that are helpful, necessary, and relevant to the mission. We do not leave them to "figure things out" on their own. After all, they are busy executing the mission for the rest of us.

Communicate relentlessly.

Err on the side of over-communicating. I am confident that I regularly overestimate my ability to communicate effectively, and I strongly suspect I am not alone in this. For many years, one of my grounding trial mantras has been, "The greatest problem with communication is the illusion that it has been accomplished."[15] Put another way: We convince ourselves we've successfully conveyed information, but we have not. This is particularly important during a crisis when the normal, natural hunger for information sharply intensifies. The importance of communicating as much as possible, in as many ways as possible, and as often as possible cannot be overstated.

Colonel Tate initially taught me this, and I see Brett Ligon practice it consistently. Both men share information freely, value transparency and repeat key messages again and again. Both use a variety of different means (and rarely email!) to get their messages across, and they explain not just what they are doing, but why they are doing it. Both listen to learn, not just waiting for their chance to speak, and they ask questions to ensure their messages have been received. Both are masters at communication, and both men communicate relentlessly.

Follow their example. In times of crisis, turn up your communication efforts to 11. You may think you are over-communicating—you aren't.

Trust others.

Let your people run. My friend Kelly Blackburn, an ADA in our office, had to (painfully) remind me of this lesson recently. In a time of crisis, it is a temptation for leaders to put everything on one's back and press forward. The belief is, "Only I can do this." The problem, in leadership or on a hike, is no one gets very far or moves very fast when overloaded. (Incidentally, this is precisely the type of thinking which led to me to stay up for $3V_2$ days in the California desert and crash so spectacularly.)

I understand the strong pull to handle things on your own, especially during a crisis, but it is a mistake—a major mistake. As Kelly reminded me, we spend considerable time hiring good men and women, then we spend significant effort in training them. We then provide them with both sufficient resources and adequate authority to handle matters of the highest importance. And yet when a crisis comes, the tendency—my tendency anyway—is to try to do it all myself.

This tendency is arrogant and unhelpful. When a crisis comes, I have to trust our people to do the right things and to make the right calls. Of course, they will make mistakes, but mistakes are inevitable when action is required.[16] If we have previously led our people well, they will respond well when it matters most. Let them run.

Final thoughts

This is a difficult time in our country and our state.[17] We are in the midst of many challenges, and more problems will be coming. There are tremendous opportunities in these times—opportunities to advance the cause of justice in ways most of us never dreamed. But we have to get through them first. As the public servants of our jurisdictions and guardians of our profession, I have no doubt we can endure these challenges. After all, we have done it before. And what did that look like then? How did we survive a crisis in the past? We did it by committing ourselves to honor the rule of law. We did it by reasoning together through a million different complex problems. We did it through faithful, sacrificial service to ourselves and our communities. We did it by guarding our collective integrity, by admitting our mistakes, and by dealing with one another with empathy, humor, and humanity. We have triumphed during past crises—we will overcome the current crises now. In the end, if you are in doubt as to whether I'm right about this, just walk around. Your people are all the proof you need.

Endnotes

[1] Major General (Ret.) Clyde J. Tate, II was the the 19th Deputy Judge Advocate General of the United States Army, <u>https://en.wikipedia.org/wiki/Clyde_J._Tate_II</u>.

[2] This was the AI-Faw Palace, also known as the Water Palace. By coincidence, the size of Saddam's bedroom at 5,500 square feet is also the size of my current bedroom, give or take 5,350 square feet.

[3] Major General (Ret.) Tate served as the Staff Judge Advocate for Multi-National Corps-Iraq (MNCI), <u>https://en.wikipedia.org/wiki/Multi-National_Corps_%E2%80%93_Iraq</u>.

[4] https://en.wikipedia.org/wiki/Abu_Ghraib_torture_and_prisoner_abuse.

[5] Brett W. Ligon is the District Attorney of Montgomery County; he has also served as a jailer in the Montgomery County Sheriff's Office, an Assistant District Attorney in the Harris County District Attorney's Office, and Senior Staff Counsel for the Houston Police Officers' Union. Mr. Ligon is expected to begin his fourth term in January 2021. See also https://mctxdao.org/meet-brett-ligon.

[6] See "A Face-to-Face Request is 34 Times More Successful Than Email," <u>https://hbr.org/2017/04/a-face-to-face-request-is-34-times-more-successful-than-an-email</u>.

[7] You know who else learned something in Okinawa? Daniel Russo, that's who. So, that's right, me and the Karate Kid learned stuff in Okinawa.

[8] The National Training Center, or the NTC, is used by the Army to train large units in a realistic, challenging setting. <u>https://en.wikipedia.org/wiki/Fort_Irwin_National_Training_Center</u>.

[9] General George Casey would later go on to become the 36th Chief of Staff of the United States Army. <u>https://en.wikipedia.org/wiki/George_W._Casey_Jr</u>.

[10] This conceptualization is borrowed from David French in "The Center is Not Holding," The French Press, The Dispatch, 31 May 2020, <u>https://frenchpress.thedispatch.com/p/the-center-is-not-holding</u>. French borrowed this from Michelle Goldberg of the New York Times podcast, "The Argument."

[11] I saw this quote in an excellent series of articles about leading through the pandemic. The articles are written in a religious context which may be off-putting to some, but they offer an excellent framework for thinking through the challenges of dealing with a "new" world. Praxis, "Strategies for Winter: Redemptive Leadership in Survival Times," Medium, The Praxis Journal, 23 Apr 2020. <u>https://journal.praxislabs.org/strategies-for-winter-redemptive-leadership-in-survival-times-f15a7791035a</u>.

[12] I'm not dreaming, am I? That did happen, right? I recall at one point looking at more than 20 different state, local, and OCA orders, along with a number of relevant statutes to try to determine what was happening. I still don't know.

[13] "Plandemic," anyone?

[14] Quick question: Has anyone else found their clothes inexplicably tighter?

[15] This quote is misattributed to George Bernard Shaw, but he didn't say it. Doesn't matter who said it—it's true. Here are two mantras: 1) "To see is to understand," and 2) "Passion and prejudice rule the world under the guise of reason." (The second saying I shamelessly stole from Jarvis Parsons and his folks at the Brazos County District Attorney's Office. It perfectly captures this idea that people do what their emotions tell them, then come up with reasons to justify their actions.)

[16] To assume I wouldn't make the same or more serious mistakes is the height of arrogance. I would add that it's axiomatic that when things are difficult, the number of mistakes increase. More grace is needed in these times!

[17] To paraphrase Sheriff Ed Tom Bell from No Country For Old Men, "If this ain't a difficult time, it'll do till the difficult times come."



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