

UNFAIRNESS, JUSTICE¹, AND RIGIDITY STORIES²

How to Use These Stories

Leadership begins when people exhibit virtues with excellence. Virtues are standards of moral behavior, such as courage, integrity, kindness, and humility. This document focuses on the virtue of justice. When we lead with exceptional justice, we feel deeper satisfaction over what we accomplish, we help and benefit others, and we improve the world around us.

Like all virtues, too much or too little of a virtue is a vice. Thus, when leaders are not just enough, people may become resentful of their leaders and not follow them. When leaders are too just, people may become resentful of their leaders and become disengaged with their work.

Leading with exceptional justice is often difficult. It is difficult to find the optimal expression of justice between unfairness and rigidity. It is difficult because a just action in one situation is not a just action in another situation. It is difficult because the people who care about a situation often disagree about the best way to exhibit justice, and in many of these cases each person—including you—will be partially right and partially wrong, and we need to learn from each other and work through conflict to sort this out. Even when you figure out how to exhibit exceptional justice, it is also important to communicate what you are doing to others so that they will understand what you are doing.

This document contains stories of people being just and of failing to be just. (The titles next to people's names are their titles at the time the story occurred and may not be their title currently.) Discussing diverse situations in which people failed or succeeded to live up to their values often helps people to recognize and act on other opportunities when they arise. By discussing these stories in meetings, on teams, over internet or intranet forums, or in classrooms, groups can come up with ideas for leading with exceptional justice, learn each other's perspectives, work through disagreements, and generate ideas. For example, you might read and discuss one story at the beginning of a weekly meeting, post a story on a team forum and ask people to share their thoughts, begin a work shift by discussing a story, use a story in a town hall meeting, or use the stories as fodder for discussion in classroom settings. The following questions may be helpful in discussing the stories. Choose whichever questions are most helpful for your group.

¹ In addition to being used to foster discussions about the virtue of justice, these stories may also be used for discussions about fairness and impartiality.

² The stories in this document were written or told by the protagonists. Ryan Quinn edited them and added the reflection questions. The stories are to be used as the basis for class discussion, and not to illustrate effective or ineffective handling of a particular situation. Some protagonists agreed to use their real name, others asked for us to use a pseudonym. The goals of this document include becoming aware of issues, identifying the benefits and drawbacks of taking different approaches, assessing their impact on outcome(s), and learning ways of addressing situations you may encounter in the future.

1. What, if anything, did people do in this story that was just?
2. How could the people in this story have been more just? How could they have been exceptionally just?
3. How might some experiences from your own life be similar to this story?
4. What inspires or elevates you about this story?
5. What disappoints or angers you about this story?
6. What might you have done in this story to overcome your disappointment or anger and help the person who disappointed or angered you to do better?
7. What caused the people in this story to behave the way they did?
8. Who in this discussion disagrees with you? What could you do to understand this person's point of view?
9. How might your perspective on this story be wrong?
10. What ideas can you take from this story and discussion to apply in your own life?

Story #1: Brad Smith, Superintendent

At one of the high schools in our district, six black kids got into a fight with the school's resource officer (a policeman). The officer fired his taser at somebody. It became a bit of a melee in the lunchroom. The school immediately went into lock down. The officer called the local S.W.A.T. Team, who swarmed over the school. Nobody was shot, thank goodness, but the problems kept compounding. For example, parents were not informed. Someone started calling it a "race riot," even though calling it a riot was an exaggeration, but the language stuck. A school secretary used some racist language about the situation, and then more racist language about Hispanic kids that other people heard. People kept making bad decisions.

Some people were traumatized by the event—understandably—and a tremendous amount of bad feeling developed at that school. Circumstances spiraled out of control. School administrators decided on discipline for the students involved, but the parents were upset with the discipline chosen, so the issue escalated to my office, and they wanted me to approve or change the discipline.

I asked for the write-up of what happened, but they had not kept records. I needed to have some understanding of what actually happened, and not just everybody giving me their own word-vomit versions of the events. Lacking a systematic report, I hired a law firm to do a full investigation, with witness statements and all available evidence. The report was comprehensive and had at least two major conclusions. First, I learned that the school's resource officer was also part of the anti-gang unit on the police force, and that instead of being a school resource officer, he wanted to do his anti-gang work there at school. That was not appropriate. Second, although none of the eight kids should have gotten involved in the fight, two of them were really the prime instigators, and their offense was subject to possible criminal charges.

Based on this report, we took a number of actions to mete out fair discipline and also to improve the organization. The resource officer, the administrative assistant, and most of the

students involved received discipline. When I met with the parents of the two instigators, I simply showed them the evidence as provided by the law firm. I let them know that there were criminal issues, and I encouraged them to tell their children to say nothing because that would waive their Fifth Amendment rights. One of the mothers said, “So you’re not going to do anything?” I replied that I would, in fact, be making changes and imposing discipline, but that she and I should talk no more as that would provide the most protection for her son. I handled each of the other kids and their families differently. In one case, I felt that the school legitimately owed them an apology. In other cases, there was discipline, but we also owed them an explanation. I learned the power of being open, but being open in a way that was predicated on understanding the facts.

To improve the organization, we changed some of the terms of our contract with the City, to give school personnel more control over their resource officers. We introduced ways to be more self-conscious about discipline, conduct, language, and emergency response. Also, we started collecting data to help us understand racial/ethnic imbalances in rates of discipline and severity of discipline. Over the next few years our efforts moved forward a great deal.

Story #2: Anna Hitron, Oncology Pharmacy Specialist

I found out that a physician had ordered the use of a newer pharmacological agent, Zytiga, for the treatment of prostate cancer in a patient with new disease progression. Zytiga costs several thousand dollars for a bottle, and we will most likely use less than half the bottle during this patient’s stay. Demand for this product is very low, so it is unlikely that we would ever use the rest of the medicine before the product expires, causing us to eat the cost. Thus, we had a general policy that we would not carry this product. It was my job to go talk to the physician who ordered the drug, and knowing how conversations like these sometimes go, I was not looking forward to it.

I wanted to just tell the physician that we would not carry this product and explain why. However, after some more thought, I decided that I actually wanted to engage in a positive conversation with this physician and decide together what the best ways are for us to use a limited budget so that we can create the best possible outcomes, both for this patient and for the hospital population as a whole. This helped me to focus on patients, and not just on this conversation. As I thought more about patients, and less about what my own feelings, I realized that my initial approach to the conversation may be at odds with my values: what if ordering this medication was exactly what this patient needed to transition him to from inpatient care to outpatient care? I needed to get more information about the severity of this patient’s disease, why the patient was admitted, and what the patient’s plans for discharge are, and then, if appropriate, I could provide alternative medication recommendations.

I was excited by how well the discussion actually went. I took a factual, honest approach, which the physician appreciated. The physician agreed that with the high cost of the medication, we should avoid ordering it at this time, freeing up capital to be used for other, more acute

therapies. We discussed possible options and also ways to avoid undesirable orders in the future. We even talked about looking into methods for acquiring small quantities of medications from manufacturers or allowing patients to use their own supply of medication so they can have the therapy without leaving a half-used bottle on the pharmacy shelf to expire.

Story #3: Tim Flanigan, General Counsel for Corporate and International

Our company had general counsels for each corporate group it owned, and I held one of these positions. The General Counsel and Chief Legal Officer for the entire organization announced that he would be leaving, and that he would be promoting me as his successor. However, he had a style that contrasted with the members of the leadership team. They viewed him as judgmental and detached, as someone who fired memos into the Chairman's office without consultation, and who surprised the leadership in various ways. Part of my role had been to buffer for him, and I thought I had done that pretty successfully.

At this time, I was also about 60 pounds heavier than I am right now, and the CEO was fairly young and fairly athletic. He had never said this to my face, but I had heard it reflected back to me that he thought that I should lose some weight. Instead of taking that as constructive criticism, my instinctive reaction was to think, "Who the hell do you think you are? I'm doing my job!"

Before the General Counsel left, I became aware that there was another candidate for the General Counsel's job. The other candidate was a woman named Judy who had worked at my current company as the Assistant Corporate Secretary, one of my direct reports, but had left to become the General Counsel for a small company. She was now being recruited by the head of Human Resources (HR) in my company to come back to our organization. The head of HR publicly advocated for us to hire this woman as the new General Counsel, and other employees in HR told me that part of the reason she was doing this was because they wanted to hire a woman for the position, and part of the reason was because I had worked as a lawyer for the George W. Bush Administration. At that point in time, Bush was still the President of the United States, but his administration was at or near its lowest point in terms of reputation. Our board of directors tended to lean Democratic rather than Republican, and I think she was working with them to build support for this other candidate and to undermine support for me.

I was asked to make a pitch to our CEO about to why I should be General Counsel. I told him that the General Counsel should make sure that every time he or she opens his or her mouth, what they say strengthens the business and also that the General Counsel should not only be engaged in defending the business, but also in making sure legal paths are cleared of the most common mistakes so that the company can accomplish its strategies. The CEO never told me his decision. He had the departing General Counsel call me and tell me that I did not get the job, and that it was going to this other woman instead.

Initially, hurt and angry, I told myself that essentially, this was a gender-based choice. They only had one woman on the leadership team, and they felt like they had to have another one. I also told myself that the decision was petty politics from know-nothing directors who could not get back at the Bush Administration, so they were taking their anger out on me. I thought that there was nothing I could have done about this; it was pure prejudice.

I accepted a severance package and I left. I spent about six months without a job, thinking about it every day, muttering to myself that this was unfair. Finally—and this is going to sound extremely trivial—but every day as I was driving home around a hairpin turn, I would pass a beautiful older home with a little tiny sign at the driveway that said, “Judy’s turn.” For the first few months after I left the company, every time I drove by, I would say, “Yeah, it’s Judy’s turn, because she was a woman and because I worked for Bush.” I knew that in my bitterness I was becoming someone that I did not want to be, but I had trouble letting go. The bitterness started spilling over into other areas of my life. Then, at some point, I had an epiphany. I do not know when. As I drove by that house I just thought, “Okay, it was Judy’s turn. She can be the General Counsel there. I can go do something else, someplace else.” I was able to let the bitterness go and move on.

After I let the bitterness go, I began to see other ways in which I could have handled the situation better. I am still not sure which things would have made a difference, if any of them would have, but I could have actually spent time getting to know and build relationships with the board, so that they might have seen me as more than just a lawyer for the Bush Administration. I could have spent more time working with the CEO so that he could see that I had a different style for working with him than my boss did. I could have chosen to take the CEO’s attitude about my weight as feedback instead of getting offended by it. (After all, I did lose most of the weight after I left.) My gender and my political affiliation may have played a role, but there may have also been things I could have done to make a difference, but I could not see that until I let the bitterness go.

Story #4: Fernanda Medeiros Marquez, Project Coordinator

A co-worker, whom I will call John, came into my office venting about a recent experience with the new CEO. These vent sessions have become a pattern that I would like to stop by helping my co-worker find a resolution for his issues. In summary, John disagrees with how involved the CEO has become regarding department-specific decisions.

Recently, I purposefully avoided making eye contact with John and continued working whenever he entered my office and started venting. This time I stopped what I was doing and gave him my undivided attention. I made it a point to listen to him. He explained how he dislikes

the CEO's attention to detail and his last-minute requests. When he finished, I summarized what I thought I had heard. He shared a few more thoughts. Then I asked him four questions.³

First, I asked him what results he wanted to create. This question caught him off guard. He did not know how to reply to me. I explained to him that he was treating the CEO as a problem to be solved – he just wanted things to go back to the way they were before. However, instead of just wishing things would be the way they were before, he should decide what result he wants to create. Instead of reacting, what exciting thing could he do to constructively improve the situation? As we discussed this, he recognized that he was not comfortable with the new work processes because he did not know what to expect from the CEO. John had been out of the office for Family and Medical Leave Act reasons when the CEO arrived, and this took him out of his comfort zone. He accepted that he was being reactive.

I then asked John, “If you were not worried about negative consequences, what would be the right thing to do?”

John answered, “I would schedule a lunch meeting to try and get to know him better. I would want to share my background and thoughts on how to proceed with certain projects.”

I told him that I thought that sounded like a great idea. I then asked him how he thought other people might feel about this situation.

At this point, John asked me what brainwashing techniques I was trying to use on him. Apparently, my questions felt scripted to him. I showed him a copy of a book I had been reading that encouraged asking questions like these. He shook his head disapprovingly and walked away.

Even so, John was back in my office within an hour. After talking through the situation more in detail, John agreed that open communication would be more likely to be positive for his relationship with the CEO. He decided to schedule a lunch meeting to discuss work details. Ironically, by the time we were done talking, John decided he was going to ask the CEO the same questions that I had asked John. He met with the CEO, stopped venting in my office so much, and has become much happier at work. I praised him for his willingness to address the problem.

³ See Quinn, Ryan W. and Quinn, Robert E. (2015). *Lift: The Fundamental State of Leadership*. San Francisco: Berrett-Koehler, and Fritz, Robert (1989). *The Path of Least Resistance: Learning to Become the Creative Force in Your Own Life*. New York: Fawcett.