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Leadership Transitions in Legal Aid Programs: A Guide for Boards of Directors and Staff

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Introduction

When long-term staff members leave a legal aid program, by retiring or for other reasons, how do we replace their skill, talent and commitment, whether they are our senior advocates, senior managers or executive directors? Transitions are pivotal moments in which programs can significantly build or lose capacity. With the boomer generation retiring in increasing numbers during the next two to ten years, in the for-profit, non-profit and governmental sectors of the economy, there is a growing body of research, best practices and tools aimed at developing organizational ability to manage transitions. In the legal aid community, we must continue to deepen the way we think about this kind of change.

This guide is intended to help legal aid programs chart a course through the tumultuous waters of leadership transition, with a particular focus on developing a sound and successful hiring process. Other authors in the pages of the MIE *Journal* have focused on succession planning, including Richard H. Byington, Byington Consulting, and Ada Shen-Jaffe, Executive Director, Columbia Legal Services, "Nothing Succeeds Like Succession Planning," MIE *Journal*, November 1998; and Lonnie Powers, Executive Director, Massachusetts Legal Assistance Corporation, "Successful Executive Director Transition," MIE *Journal*, September 1999.

For the most part, this guide will speak in terms of the hiring of the executive director, perhaps the most challenging of transitions for a program. As a result, its suggestions are directed to the program's board of directors. The board of directors is actively involved in the hiring of a new executive director. In fact, the hiring of an executive director may be the single most important responsibility of the board given the huge impact this selection has on the program's development and effectiveness. This function may be shared with others who have a stake in the outcome, for example, staff, clients, funders and community members, but the final decision is the board's. The legal aid program's board of directors must step up to its challenges in an executive director hiring. The board must realize the importance of its hiring decision and be sure it has the resources and the time to do it right.

A senior staff member or perhaps the outgoing director of the program may be actively involved in helping the board prepare itself for this crucial function and so, too, the suggestions in this article are directed to them.

In another context, when a long-time advocate, manager or administrator leaves the program, these suggestions also are relevant, though they may be carried out by different members of the program. The search committee may be formed by staff members and others. The assessment of mission and goals and strategic direction may occur at the office or unit or work group level.

Do you have any stories to tell from your own experiences with a leadership transition? We hope you will share with MIE your experiences during leadership changes to help us learn from each other how better to manage leadership transitions.

Key Stages in Leadership Transition

The three key stages in leadership transition are: getting ready; recruiting and hiring; and post-hiring. It is important not to skimp on any of them.

- **Getting Ready:** The leader decides to leave the position, or the program decides to seek a change in leadership. The program analyzes the strategic challenges facing it. It then translates its strategic assessment into specific leadership needs and job qualifications.
- **Recruiting and Hiring:** The program designs a search and selection process. It screens candidates and interviews finalists. It chooses the new leader.
- **Post-hiring:** The new leader is oriented to the program. Program expectations of the leader are made clear. Professional development resources are made available. The leader is introduced to the community.

Getting Ready

Stress and worry are natural when a valued staff member leaves the program regardless of the circumstances of the departure. Face the pressure. Take a deep breath and take your time navigating the transition. Have you ever been involved in a hasty hiring decision because you worried about the short-term consequences of a position going unfilled? Did you tell yourself then you would never rush into a hiring again? The considerations which follow will help you seize the opportunity to build capacity, not lose capacity, in the program during the transition.

First consider, is this transition routine or non-routine? Does the program need a turnaround after a crisis? Is the current person underperforming? Is the program's founder departing? Reflect on your program's health, needs, and resources.

Review and sharpen the mission and goals of the program. How does the program currently articulate its mission and goals? Who are the program's clients? What services does it offer? How is its financial condition? How is its support in the community? How is staff expertise and morale? What are the program's challenges and opportunities? How has the program developed over the past several years and what are issues of present concern? Where would you like the program to go in the future? What qualities do you need in a leader to take you toward your desired future?

This assessment of the program could demand a substantial process depending on the current needs of the program. The board might seek to use the vacancy to change the strategic direction of the program. Or, in a routine transition when the program is stable, the assessment may be accomplished in a shorter time frame with fewer resources and participants.

Review a detailed job description of the current position holder. The search committee should review a detailed job description of the current position holder. If the board has concluded that new directions will benefit the program, the committee should redraft the job description to articulate and emphasize those directions. The description should include the board's expectations, how the position relates to the board, and what the specific duties are. The committee should seek suggestions from staff members, clients, community partners, funders and other stakeholders.

Identify the characteristics desired for the new leader and describe the position. The search committee should establish a profile of qualities and experiences that the new leader must have in order to be successful, based on the needs of the program. In preparing a profile of the desired characteristics, the search committee may want to involve key stakeholders - staff, clients, community partners, funders and others. Prioritize your list into two categories: qualities and experiences the candidate must have, and qualities and experiences that would be advantageous for the candidate to have. These may be thought of in terms of primary and secondary characteristics. This prioritizing of desired characteristics of the leader will guide the hiring process.

From these primary and secondary characteristics, create a candidate rating sheet that identifies the qualifications of the new leader. You will use this rating sheet to prepare the job announcement, evaluate resumes, eliminate candidates who do not meet basic requirements, rank candidates for the selection process, identify candidates to be interviewed, develop questions to be used in applicant interviews and reference checking, rate the candidates after the interview, and make your final selection.

Assess what the compensation package needs to be to recruit the leader you want. This is a good time to review the salary and benefits you are offering. Particularly if one person has held the position for an extended time, the salary and benefits may no longer be competitive. It is important to have a competitive salary and benefits to attract and retain a candidate with qualities you desire. Compare what you have been paying your current executive director or staff member, or what you are considering offering your new hire, to what other legal aid programs may be paying. Pay particular attention to those programs which are similarly situated to yours in region, size, urban/rural and other demographics, experience of staff, and so on. MIE periodically conducts executive director salary surveys, available in the MIE e-library at www.m-i-e.org, and other organizations have conducted salary surveys of other staff members.

If your program's salary and benefits have not kept pace, and if your organization does not have resources to increase the salary and benefits, consider enhancements to a modest salary such as: increasing holidays, increasing vacation, reducing total number of work days per month, offering a schedule with greater flexibility in working hours, providing matching retirement contributions, or providing funding for courses or conferences that relate to the work.

Develop a realistic time frame and budget for the hiring process. This time frame should chart the process' key phases including assessing the program; developing the job description, characteristics and announcement; advertising; screening resumes; interviewing and checking references; making your hiring decision; welcoming the new leader; and entering the post-hire period. The time frame also should identify each board member's individual time commitment depending on whether he or she is part of the search committee.

The budget for the transition process might include expenses for advertising, a search firm or consultant, board or committee meetings, candidate interview expenses, or an interim executive director.

Designate a board committee to manage the search and recommend finalists to the full board. Once the board has identified its direction and the experiences and qualities it seeks in a new executive director, it will want to form a search committee of its members. This committee will be empowered to manage the search process, solicit candidates, screen resumes, conduct initial interviews, and make recommendations of finalists to the board. The board should clearly communicate its mandate to the committee, giving it a timetable, budget, explanation of its authority, and suggestion of how many candidates to present to the board. A staff coordinator will be needed to assist the search committee by managing logistics, keeping files on candidates, and organizing committee meetings.

The search committee should be composed of three to seven members. It should be small enough to have an easier and faster decision-making process, but large enough to include all necessary expertise among its members. Committee members should be people who genuinely support the mission and vision of the program, and who have personnel skills, knowledge of the program, and experience with interviewing. Committee members must commit to the entire hiring process, including the post-hiring phase, providing supervision and support to the new executive director as he or she assumes responsibilities. At least some members of the search committee should be willing to sit on the board for at least the next year.

The board of directors needs to develop a plan to involve staff members, clients, funders and other community members in the hiring process in appropriate ways. The board has a responsibility to keep the staff up to date about the progress of the search for the executive director. Staff involvement in the search might include participating in an assessment of the issues facing the organization, providing input on the characteristics needed by the executive director to meet the identified challenges, helping to recruit applicants, reviewing resumes, participating in some interviews, meeting finalists and providing input to the board. On the other hand, the final decision-making belongs to the board. (Obviously staff will have the greater role hiring program leaders other than the executive director.)

Clients, funders and community partners and other stakeholders also may be involved productively in the search process. The board should communicate with them early and often. It may involve them in its assessment of the strengths and weaknesses of the program and its leadership position in the community. The board may consult with them about the experiences and qualities of the new leader, and may involve them in recruiting candidates. Importantly, the board should reach out to donors and funders, both because they may worry, and also because they may have ideas.

The board may want to consider adding non-board members to the search committee in an advisory capacity. If the committee lacks, for example, a human resources professional, perhaps a senior staff member at another non-profit or law firm in the community may be invited to participate. Or the board may want to consider using a search firm or consultant (see below).

Designate a board transition committee to provide oversight to the administrative matters of the program during the transition. Does a transition procedure already exist? If not, one might be developed now, which would address such matters as: establishing an interim staff structure; providing authorization for check signing and other financial matters; updating the administrative calendar, noting major dates, activities, deadlines and responsibilities; compiling a list of key stakeholders to be informed of or involved in the transition process; reviewing executive director departure preparations including organizing corporate records and client files; reviewing pay and other human resources matters; scheduling regular meetings with the executive director prior to departure to get up to speed on current activities in the program; and developing a schedule of board meetings and board and staff meetings.

Hiring an experienced interim executive director may be one way to maintain program administration, make some changes, and give the board time to plan and think.

The board should prepare for changes in its own makeup. An executive director transition typically interrupts the natural turnover on a board, spurring some board members to stay on a little longer and others to depart sooner. These individual decisions have an effect on how each board member views the hiring process and their own decision-making. It might cause some members to want to hurry through the process, for example. It would be wise for the board to have a conversation about members' intentions and bring them into the open. It is good to know who will remain on the board with the responsibility for supporting and supervising the new executive director.

Consider outside assistance as you get ready to recruit your new leader. Your board may want to consider using a search firm or consultant. This may be helpful when you have a very large board or a small board, with few people who have time to screen candidates. Or your board may have many members who have rarely made management hiring decisions. Perhaps you want to conduct a very broad search, perhaps the hiring decision will be politically complex. Maybe the current stature of the program or its future aspirations demand a professional search.

A search firm or consultant, such as MIE, a legal aid consultant or a private firm, may help you in one or all of these ways: to assess your readiness to recruit; to clarify what you are looking for in a candidate; to do outreach and locate prospective candidates; to manage the logistics of screening and interviewing; to check references; and to assist with post-hiring issues. The consultant may even provide first year coaching to the new hire.

(Did you notice how extensive this Getting Ready process is?)

Recruiting and Hiring

Put in place a process for maintaining confidentiality during the search process. Applicants deserve confidentiality. The search committee needs to have a process in place for maintaining the confidentiality of all information during the search process including discussions, telephone calls, and reference checks. This is very important in the case of internal applicants. Other issues to consider include: Where will applications be sent? Who will open mail? Who will prepare copies of information for committee members? Who will write and send the rejection letters? Who will call to set up the interviews?

The board should know how it plans to handle potential conflicts of interest that might arise in the search and hiring process, for example if qualified friends or relatives apply. It is easier if decisions on how to handle conflicts are made before they come up, not after.

Advertise the position. The search committee will prepare the job announcement based on the job description and the list of experiences and qualities desired of an applicant. Review electronic and print announcements from other legal aid and nonprofit organizations to identify advertisements which might be useful as models. MIE's website includes these announcements on its employment page for currently open positions and in the e-library as models. Choose your wording carefully to include information that is attractive to a person with the kind of qualities you are seeking and helps to screen out unqualified applicants. Include a few lines about the strategic direction of your program and the qualifications which are "must haves" on your list. Decide whether to include a salary range. Be prepared to give interested candidates an information kit with an updated job description and general information about the organization. Candidates whom you select for interviews may ask to receive more information, such as audited financial statements, by-laws, advocacy dockets and strategic planning documents.

You already will have created a budget for advertising the position. Make a list of places and organizations to receive your notice. Work your network broadly to advertise your position. Reach out to other legal aid programs and to your community partners to be sure that as many people as possible know that your organization is hiring a new executive director. Consider the following avenues for publicizing your position: newspapers - daily and weekly; newsletters - community, special interest groups; bulletin boards - employment offices, community and service organizations; electronic bulletin board services; mail, faxes and email to related agencies and organizations; and internal communications.

Develop a diverse pool of candidates. Build into your job description and desired characteristics for candidates such qualities as bilingual/bicultural, community ties, life experiences, cultural background, experience as an immigrant or public assistance recipient or indigent.

In job announcements, set out the program's intent to provide equal opportunity in hiring and not to discriminate on the basis of age, class, color, ethnicity, disability, faith, gender, national origin or sexual orientation. One possible statement might be: "We are committed to diversity in the workplace and regard difference as an asset. We strongly encourage applications from people of color, people with disabilities, women, bilingual/bicultural people, former or current recipients of public assistance, and gay men and lesbians."

Circulate your job announcement to increase your chances of a diverse candidate pool by sending it to places such as legal aid and other diversity coalitions; minority bar associations; ethnic media; diversity job fairs; diversity websites; local and statewide community-based organizations; and use personal outreach. Encourage all staff to make ongoing recruitment efforts through personal contacts who may be interested in the position or know of others who might be.

If it turns out your pool is not diverse, revise your search plan and extend the search.

We tend to hire in our own likeness. We might over-appreciate strengths like our own, and undervalue the qualities we do not possess. Our board members, who may not be diverse, similarly may be more comfortable hiring people like themselves. Discuss diversity with the board and the search committee to maximize appreciation of diverse characteristics and to guard against unintentional bias. Be sure to have a diverse search committee. Involve your program's affirmative action officer and/or committee in building the job pool and in board diversity discussions.

Use your candidate rating sheet and interview questions. Create a clearly defined and weighted set of criteria for hiring that values the ability to serve our increasingly diverse client community in a more culturally competent manner.

Take steps now to expand diversity throughout your program to build diverse leadership for the future, while providing culturally competent client service. Look beyond traditional leadership positions to additional ways to promote leadership opportunities and professional growth.

Make presentations and maintain regular contact with potential sources of diverse candidates.

Screen resumes. Before plunging into the screening of the many resumes you are likely to receive, first train search committee members on reading resumes. You all want to be on the same page in terms of the primary and secondary qualitites and experiences you are looking for, and of your appreciation of diversity characteristics.

At the closing date, the search committee will use the candidate rating sheet to sort resumes in some way such as: those who do not meet minimum qualifications; those who appear to have some of the primary and secondary characteristics; those who appear to have a strong assortment of the characteristics such that you are interested in interviewing them.

It is a good idea to send a courteous letter of rejection to candidates who do not meet your minimum requirements. You can word the letter so that in addition to letting the individual know about the status of the application, you build support for your program.

Consider internal candidates. There may be qualified and suitable candidates within your program, including possibly an acting executive director. The search committee needs to give thoughtful and diplomatic treatment to internal candidates. It may want to identify potential difficulties in advance and make plans to handle them tactfully. Consider: Will the search committee conduct courtesy interviews for all internal candidates? Would an unsuccessful internal candidate be able to support a new executive director? Is it appropriate for the search committee to announce that it will be hiring only from outside the organization?

Begin initial interviews. You will need to decide whether or not you will do any telephone screening and for what purpose. Some programs choose to screen candidates by telephone using a standard set of questions. This screening process helps you to get to know the candidate, decide whether or not you wish to invite the candidate for a formal interview, and be more prepared for the formal interview. Telephone interviews may also be a diplomatic way to provide a courtesy interview to someone you would not hire, but cannot afford to offend.

Develop a set of interview questions which you will use with all candidates. This is not to say that you may not divert from the questions to follow up on particular areas, but it is important to develop comparable information about each applicant for best decision-making. If you have any questions about the propriety of any of your potential questions, have them reviewed by an attorney for possible legal issues.

In preparing interview questions, ask yourselves:
Have committee members agreed to the key concepts you want candidates to address when answering the questions?
How do you expect the candidate to explain how he or she will move the organization to the vision?

How do you expect the candidate to demonstrate that he or she has the skills, qualities and experiences to meeting the organization's strategic challenges?
Are there any case studies, based on the organization's experiences that will help you to understand how a candidate might respond in a given situation?

Look for emotional intelligence. Emotional intelligence is the capacity to recognize our own feelings and those of others, to motivate ourselves and others, and to manage emotions in ourselves and in our relationships.[1] It describes abilities distinct from academic intelligence or expertise. Academic intelligence (IQ) and expertise (a combination of common sense and the specialized knowledge and skill we pick up in the course of doing a job) are baseline competencies needed to land the job and get it done. What distinguishes outstanding performers, what allows people to develop their full potential, is emotional intelligence.

Interview your selected candidates. Interviews can be stressful. It is important to work toward a positive experience, so that your candidate and your program both reveal their best. Set the right atmosphere with a location that is private, relaxed and comfortable. Practice good communication during the interview, allowing time for the candidate to clarify questions you ask and for committee members to clarify information that the candidate presents.

Set an interview schedule that allows for both the candidate and the search committee to relax and get to know each other, without being too pressured by the clock. Avoid scheduling interviews too close together. You do not want to keep a good candidate waiting. It is a good idea to allocate time between each interview to allow for flexibility and to give committee members time to write down notes or confer.

In addition to the search committee, staff members and other key stakeholder in the community may appreciate the opportunity to meet with your finalists. Consider the kind and method of feedback you want to receive from these interviews.

All told, you will want to have held at least two in-person interviews of your finalist candidates, in addition to any telephone screening you may have done. The in-person interviews may include one by the search committee and one by the board, or the search committee itself may decide to hold two interviews before making its recommendations to the board. Obviously this is a costly proposition if your candidates are traveling any distance, and as part of the transition planning process you will have budgeted in some funds to reimburse candidates the costs of travel for at least the second interview.

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[1] See my article"Help Wanted: Legal Services Attorney with Grounded Intuitions and a Commitment to Justice," MIE *Journal*, Summer 2002, for examples of interview questions which may reveal emotional intelligence.

When evaluating the interview, look for how the candidate's answers to questions connect to what is listed on his or her resume. Make consistent use of the rating sheet you have developed to help you compare and contrast the strengths and weaknesses of your candidates compared to your prioritized qualities and experiences.

Check references. Reference checking is a crucial step in the interviewing process that many programs take too lightly. Always, always carefully check references of your finalist candidates. With permission of the candidate, check with all supervisors and other work colleagues who may have important objective information, not just with those persons listed on the resume or named during the interview. Be skeptical of peer-only references, or a reluctance to have you talk to supervisors. (At the same time, you will want to respect a candidate's request that supervisors be informed of the job search only if the candidate is under serious consideration.)

Develop a list of questions for the reference designed to provide you with information you need to make a decision. You particularly want to know if the candidate's references support the experience and skills that are listed on the resume and represented during the interview. Ask about your candidate's strengths and weaknesses in relation to your priorities. When you conduct reference checks, listen to what is being said to you. Understand the reluctance of some employers to give references candidly. Develop a rapport with the reference with whom you are speaking.

The search committee will ultimately recommend finalists to the board of directors. If multiple candidates are to be interviewed by the board, and it should be the case that the board sees several candidates, it is important that the search committee be comfortable with any of the candidates being considered for the position.

Extend the job offer. At last, the board of directors has interviewed the candidates recommended by the search committee, has made its decision, and it is time to make the job offer. The offer should include a summary of the board's vision for the program's future, and of the specific responsibilities expected of the executive director. Identify who will be working with the executive director during the early months to ensure proper orientation and training, the meeting of early deadlines and other transition issues.

The salary and benefits levels have been previously set by the board of directors. Include this information with the offer, as well as a pay increment schedule, benefits, holidays, probation period and other useful information such as parking arrangements, hours of operations. Discuss now the board's plans for annual evaluation of the executive director.

When new executive director has accepted the position, send letters to all candidates thanking them for their time and interest in the organization. Seek to reinforce a positive perception of the program and build future support.

Post-Hiring

Prior to the starting date, arrange a big welcome to the new executive director from board and staff via letter or call. Send your funders, bar leaders and community partners a letter introducing the new executive director. Arrange for early in-person introductory meetings between the new executive director and these stakeholders.

The board should establish an organized plan for orienting the new executive director to the program. Involve board, staff and community members and cover topics such as program history, the client community, the program's advocacy docket, strategic direction, staff members, board members and more. It will not be possible to do it all at once. Optimally the outgoing executive director or interim executive director will be part of this orientation process, and the incoming executive director should strive to develop a professional relationship with the predecessor.

With the new executive director, assess and schedule any needed training. For example, obtain *Taking Charge: A Guide for New Executive Directors* from MIE. Topics in this *Guide* include: Money; Personnel; Your Program's Work; Your Board of Directors; Your Role in the State and National Legal Services Community; Is Your Program Effective?; and Sources of Assistance.

Make plans for the executive director to attend the next MIE New Executive Director training. The training stresses both 1) *knowing* what should be done to lead an effective program, and 2) actually *doing* what needs to be done. Knowing is accomplished through an extensive set of materials, with tapes to guide self-study. Most of the training itself is devoted to doing — performing some of the most important tasks required of executive directors. Topics covered include: What is an effective legal assistance program? What is leadership, and how does it differ from management and administration? What strategies can be used to deliver services? How do you determine impact? Leading change: Why transformation efforts fail. What makes a program a "good place to work"? And working effectively with a board of directors.

Of crucial importance, set up an organized and fair process for the board of directors to monitor and appraise the executive director's performance. The process must collect, organize and present information to the executive director in a manner that directs and supports her or him while providing honest feedback and opportunity for professional growth. Then conduct this appraisal annually.

Avoiding mistakes

To summarize the information above in a fashion, boards of directors should strive to avoid making these common mistakes while hiring a new executive director:
- Skimping on any of the three key stages in leadership transition: Getting Ready; Recruiting and Hiring; and Post-Hiring.

- Jumping out too quickly to think of the search and candidates without first taking the opportunity to consider the future strategic directions of the program and the qualities and experiences of the new executive director needed to get the program there.
- Jumping out too quickly from the search process itself, in other words, relinquishing too much control to the search committee; or failing to stay involved during the post-hiring period.
- Being unclear about the appropriate roles of the board and of the staff throughout the process.
- Not using the program's best efforts to develop a diverse pool of candidates.
- Checking references cursorily.
- Failing to set expectations, beginning with the employment interview, and to appraise the performance of the executive director, and to value his or her formal professional development.

A final word on behalf of the departing Executive Director

It is certainly possible to honor the legacy of the departing executive director while at the same time candidly assessing organizational strengths and weaknesses. Appreciate him or her and celebrate the accomplishments of the program during this tenure. Recognize too the ambivalence he or she likely feels while departing.

A word to departing executive directors

What is the right role for the departing executive director during the transition? There are many reasons that an executive director may be leaving. If the executive director is leaving under positive circumstances, he or she may be more involved in the process. Provide the board with a clear picture of how it might manage the interim. Encourage the board to take on the tasks of a thorough strategic assessment and a thorough hiring process. Avoid hasty recommendations. For a fresh outlook, also avoid being actively involved in selecting your successor.

Celebrate your relationships and accomplishments.