

Massachusetts Legal Assistance Corporation

Executive Director

Transition Plan

Developed by:

The MLAC ED Transition Task Force

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MLAC EXECUTIVE DIRECTOR PLANNED TRANSITION PROCESS

I. Introduction and Context

The Massachusetts Legal Assistance Corporation (MLAC) has prepared an Executive Director Transition plan, in preparation for the departure of the current Executive Director, Lonnie Powers at some point in the future. This plan is based on the Model Executive Director Transition Guidelines prepared by Kelly Bates in 2005 and adopted by the MLAC Board as a model for MLAC funded programs to follow in that same year. The plan also incorporates the most successful strategies used by non-profits to manage executive director transitions.

The MLAC Board understands that selecting the successor Executive Director is one of its most important duties. Constructing a thoughtful, comprehensive transition process is essential to ensuring that the Board selects the best possible new Executive Director. The difficulty of the task is amplified given that Lonnie Powers has been MLAC's only director and will have served for 32 years in 2015. That long tenure makes careful planning for and execution of the process including possibly hiring an interim director critical for the success of MLAC.

In keeping with MLAC's long standing commitment to fostering diversity, the MLAC Board will ensure that the transition process develops a diverse pool of candidates. The search may be assisted by an experienced outside consultant with a proven record of assembling a highly qualified, diverse pool of candidates.

I. General Departure and Preparation Recommendations

The MLAC board will continue to discuss the ED's plans regarding tenure and executive director transition as a regular part of his annual evaluation. A timeline for activities relating to the ED transition that will be undertaken prior to the formal announcement of the ED's departure is appended to this plan and will be used as a guide by the ED, the Board and the Governance Committee.

A. The Departing Executive Director will:

Provide the staff and Board with at least the six month notice of his planned departure set forth in his employment contract and will endeavor to provide more notice if at all possible to process his resignation, and to implement the transition plan.

B. The MLAC board will:

1. Develop a departure communication strategy with the assistance of the ED and the Director of Communications; first notifying the staff, and then the broader community when he will be retiring.
2. Remain active and engaged in MLAC to ensure that the departing executive director and, if there is one, the interim director, and staff are in regular communication with the board, about the transition process as it unfolds.
3. Through the Governance Committee, review this Executive Director Transition Plan annually to determine what if any changes or updates are appropriate and to review progress on the pre-

departure timeline. The Committee and the ED will report to the Board annually at the September meeting about the results of its review together with any recommended changes.

C. The MLAC board, ED and staff working together will:

1. Notify all interested stakeholders of the planned departure of the executive director and of the implementation of this transition plan.
2. Minimize the impacts of the departure on staff morale and retention by fostering communication, teambuilding, and attending to internal and external stakeholder relationships.
3. Ensure that enough funds are available for the transition process and at the time the new executive director starts to avoid financial crisis management.
4. Handle any pending major legal issues affecting the internal organization.
5. Ensure that the bookkeeping, records, information systems and physical property are secure and maintained during the transition.

II. MLAC Transition Committee to Oversee Process

The Chair of the MLAC Board will appoint members to a "Transition Committee" to (1) ensure a smooth transition in leadership from the outgoing executive director to the new executive director, and, (2) develop and implement a plan for the hiring and orientation of the new director

A. The MLAC transition committee will:

1. Consist of the Chair or the Chair's designee who shall be the Chair of the Committee, four other board members who shall reflect the diversity of the board in terms of length of service on the board, geographic location in the Commonwealth, type of practice for attorneys, race and ethnicity and will include at least one client eligible member of the Board. The Chair of the Board may also name no more than three current members of the MLAC staff to serve on the Committee.
2. Be responsible for the overall transition process including:
 - (a) developing and implementing a plan for the hiring and orientation of the new Executive Director, including consideration of hiring an interim director and;
 - (b) making a recommendation to the Board of Directors regarding whether or not to hire an interim director
 - (c) unless the board decides that one is not needed, guiding the organization through a process to determine immediate organizational priorities and needs,
 - (d) developing and proposing to the board a complete statement of the the skills and attributes needed in a new Executive Director prior to advertising for applicants; and,
 - (e) ensuring a smooth leadership transition from the outgoing ED to any interim director and to the new ED.
3. Report to and make recommendations as to the process to the full board with input and involvement from the staff and after consultation with all interested stakeholders including the Access to Justice Commission, the bar associations involved in the Equal Justice Coalition, the

Equal Justice Coalition, the boards, leadership and staffs of the MLAC funded legal aid programs, a representative cross section of client eligible persons and such other persons and organizations as the committee deems appropriate.

4. Develop a plan, timetable, and budget for its work for review and approval by the MLAC Board.
5. Recruit and hire, with the approval of the full Board of Directors, to perform such duties as are specified by the Transition Committee, an outside consultant/search firm experienced in facilitating executive director transition processes and in recruiting a diverse pool of highly qualified candidates. Although the presumption is that MLAC will engage an outside consultant/search firm, the committee may recommend to the Board of Directors that no such consultant be hired in which case the committee will propose an alternative method of proceeding. The decision regarding hiring one or more consultants will be made by the Board. If consultants are to be hired, the committee will solicit proposals from a diverse group of qualified consultants.

III. Search and Hiring Process

The search and hiring process should be conducted according to the following process.

A. Interim Director

1. Due to the current ED's long tenure as MLAC's only executive director, it may be necessary to hire an interim executive director. If the Board determines that an interim director is needed, the interim executive director may be an outside consultant, or a current staff member such as a deputy director, associate director, other management staff. The interim director could be a current or former member of the MLAC board but any current member would have to resign from the board upon assuming the role as interim director and could not be otherwise involved in the hiring process. The interim director may not be a candidate for the permanent position.
2. The interim director, if hired, and the board chair will establish a temporary chain of command and system for decision-making and communication among board, staff, funders, and volunteers to ensure a smooth interim transition.

B. Planning & Structure

1. The consultant/ search firm hired to assist in the search for any interim and the permanent executive director must be able to offer assistance with recruitment, initial screening, and advice about effective resume review, interview and hiring techniques. The consultant/search firm should have extensive experience in developing a pool of highly qualified and diverse candidates. The consultant/search firm must also have the organizational development skills to assist with activities that need to happen before and after the search process. If required, the Transition Committee may recommend to the Board the hiring of another qualified consultant to assist with the organizational review process.
2. Board members and members of the Transition Committee will receive diversity training on effective diversity hiring practices.
3. The MLAC Board will be fully informed by the Transition Committee about and approve the major steps taken as the process moves forward. The Transition Committee's responsibilities will

include developing a plan and timetable for the overall hiring process, drafting a job description to be approved by the board, supporting recruitment, ensuring that the applicant pool is sufficiently diverse, reviewing resumes, selecting candidates to interview and conducting initial interviews.

4. The Transition Committee will recommend a candidate for interim director to the Board, if required, and at least two and not more than three candidates for permanent Executive Director to the full Board of Directors. The full MLAC staff will be given an opportunity to meet with any final candidates and to report to the Board of Directors on their observations of the candidates before the Board makes a final decision on hiring. The full Board will interview the recommended candidates and make the final decision on hiring.

C. General Practices:

The MLAC Board will establish a salary range for the new executive director after reviewing the salaries paid for comparable positions. The Board will authorize the Chair or another member or members to negotiate vacation and sick leave, benefits, incentives (e. g., sabbaticals and relocation costs, bonuses, etc.) with the goal of hiring the best qualified candidate. The full Board of Directors must approve the final agreement with the new Executive Director.

D. Hiring Criteria

1. Based on the organizational review process results and recommendations from the Transition Committee, the MLAC Board will clearly specify the vision and values the new executive director should possess in order to implement MLAC's strategic objectives.
2. The Transition Committee will recommend to the Board for its review and approval hiring criteria related to such factors as work experience and potential, leadership and management skills, personal attributes relevant to the position, and whether the candidate comes from a diverse background and/or has a track record of instituting diversity and community/client empowerment in an organizational setting.

E. Job Description

1. The Transition Committee will develop a job description to be approved by the Board that sets out key information about the program and outlines the vision and values of MLAC; roles and responsibilities of the executive director; hiring criteria; and reporting information. The Committee and the Board will decide whether to include information on the salary range.
2. The job description will also include language that explicitly encourages specific qualified applicants to apply, for example, "female, people of color, etc., candidates are strongly encouraged to apply."

F. Recruitment

1. The Transition Committee, together with the consultant/search firm, will circulate the job description within MLAC, the legal services community and to external locations, media outlets and website groups within Massachusetts and nationally. A more complete listing of

recommended places to advertise is found in the *Executive Director Outreach Checklist* (attached).

2. To increase the chances of obtaining a diverse candidate pool, the Transition Committee will ask the board and staff and other interested stakeholders to provide suggestions for candidates to whom postings can be sent. Direct contact with these candidates encouraging them to apply may also be useful.
3. It may be necessary for the MLAC board not only to identify candidates with excellent qualifications, but also to *ösellö* them on the program.
4. The Transition Committee may extend the search and hiring process if there is not a significant pool of qualified candidates from diverse backgrounds among the finalists. This may involve re-advertising, re-engaging networks and finding new networks.

G. Resume Review:

The Transition Committee will review candidates' resumes based on the hiring criteria and decide which candidates should be interviewed.¹

H. Interviews and Selection

1. The Transition Committee will develop a rating system for candidate interviews based on the MLAC board established hiring criteria.
2. The Transition Committee will work with the director of communications to develop an organizational package to distribute to candidates before the interview. The package would include a more extensive job description, hiring process timeline, brochure, newsletter, annual report, list of MLAC staff and board, and financial information.
3. If the entire Transition Committee does not conduct all interviews, it will select a diverse group to conduct the interviews and develop interview questions that reveal information relevant to the hiring criteria.²
4. During the entire process, the Transition Committee will watch for and test subtle biases and assumptions that may operate to exclude qualified candidates. Training and technical assistance from a Diversity Consultant will assist the transition committee to develop protocols to protect against bias.
5. The Transition Committee will conduct due diligence on the finalists and will check references. Based on the hiring criteria and information obtained, the committee will recommend to the board two or more finalists to be recommended for the job. The board will conduct an interview with the finalists and meet with, and solicit MLAC Staff feedback, before making a final decision. After the board's decision, the board's designee(s) should communicate the offer to the person selected.

¹ The transition committee will consult the diversity coalition and others for tips on identifying candidates from diverse backgrounds or with experience in diversity issues (for example, sending candidates postcards to return to the hiring body that reveals diversity demographics and other information).

² The committee will ask questions that reveal the values and management philosophy/practice of the individuals.

I. Negotiations and Hiring

1. The board chair or the chair's designee(s) will engage in salary and employment terms negotiations with the person offered the job. Areas considered would include the candidate's start date, compensation package, benefits, other special agreements or expectations such as training requirements, the orientation schedule and the date of the first performance review.
2. The MLAC board should discuss and must approve the key terms of the negotiation and the final hiring package.
3. The board and staff, with the assistance of the Director of Communications should send out an announcement of the hiring of the new executive director.

J. Orientation and Review Process

1. The MLAC board and staff will decide on an orientation process for and a method of introducing the new executive director to the community.
2. The MLAC board chair or designee(s) will meet with the new executive director regularly to establish communication, offer support, clarify expectations, and clarify roles of the director, board chair, other board members and staff. The board and the executive director should design and agree on a six-month work plan. The MLAC board will conduct a six-month initial performance review and a one-year formal evaluation. The board will receive staff, client and outside stakeholders input into the review process.