Recommended Steps and Practices for the Recruitment, Selection and Retention of State Court Administrators
WHEREAS, it is important for a state to develop and implement an effective strategy to attract strong State Court Administrator candidates; and

WHEREAS, it is important to design and have in place a fair and rigorous process for screening, evaluation, and selection of the successful candidate; and

WHEREAS, the CCJ/COSCA Court Management Committee has developed the Recommended Steps and Practices for the recruitment, selection, and retention of State Court Administrators;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators commend the Recommended Steps and Practices for the recruitment, selection, and retention of State Court Administrators developed by the CCJ/COSCA Court Management Committee, and encourage their members to review and consider these Recommended Steps and Practices as the need to recruit and select an SCA may arise in the future.

Adopted as proposed by the CCJ/COSCA Court Management Committee at the CCJ/COSCA Annual Meeting on July 27, 2016.

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Encouraging Consideration of
Recommended Steps and Practices
For the Recruitment, Selection and Retention
of State Court Administrators
Introduction

While traditionally many State Court Administrators (SCAs) may have enjoyed a long tenure in their positions, there has at the same time been an increasingly high turnover of SCAs in recent years. Regardless of how long the incumbent SCA has been in place, many states have been or will be faced with the daunting task of recruiting and selecting a well-qualified SCA. To assist states in meeting this challenge, the CCJ/COSCA Court Management Committee has developed the following recommended steps and practices. These recommendations stem from the knowledge and experience of Committee members. They have also been broadly informed by an extensive survey distributed by the Committee to all members of COSCA and to six past presidents of NACM. Thirty-five states responded to the survey, reflecting a rich array of experience.

The recommended steps and practices are organized into the following five broad categories:

1. Getting started by ensuring that you have the right work environment for the right candidate
2. Developing and implementing your search strategy
3. Screening and evaluating your candidates
4. Making your selection
5. Developing an onboarding plan and strategies

After reading through the recommended steps and practices, you will also find a list of resources available from the Conference of Chief Justices (CCJ), the Conference of State Court Administrators (COSCA), the National Association for Court Management (NACM), and the National Center for State Courts (NCSC) that can help you in your search and selection effort.
Getting Started: Ensuring the Right Work Environment for the Right Candidate

When faced with a current or pending vacancy in your SCA position, make sure that all the foundational elements for the best hire are in place. Before you begin your search, know what you are looking for in a successful candidate, and be confident that you will be providing the selected candidate with a work environment that will foster, and not hinder, his or her success in the position.

The Right Work Environment

1. Examine your state court system in terms of its size, governance structure, funding and reporting relationships, and consider the impact of these elements on the role and responsibilities of the SCA.

2. Make sure that meeting the constitutional, statutory, and rule requirements for the SCA role are taken into account. There should also be a SCA job description in place and appropriately reflective of the current job responsibilities as well as the needs and desires of the Supreme Court.

3. Consider the following questions in the context of hiring a new SCA:
   - What are the values and operating tenets or standards of your state court system?
   - What are the Supreme Court’s strategic objectives that it would like the new SCA to achieve?
   - What makes this an attractive position and opportunity for a candidate?

4. Review the salary and benefit package of the SCA position. Review other executive-level compensation within state government in your state. Is the SCA salary and benefit package reasonably competitive? Is there anything that the Supreme Court can do to make it more competitive?

5. Assess the principal challenges presently facing the courts of your state and look at what qualities a SCA candidate should possess to be able to successfully address those challenges. The challenges facing your court system today might...
be very different than those facing your courts the last time a SCA was appointed.

6. Perhaps most importantly, take a close look at the “climate” of the Judiciary, particularly the Supreme Court, as it pertains to the working environment for the performance of the duties and responsibilities of the SCA. Is there overall collegiality on the Supreme Court with respect to the administrative governance of the Judicial Branch, or is there a high degree of dissension or turmoil that will create barriers or impasses to effectively and timely carrying out the responsibilities of the SCA position? Such dissension or turmoil on the Court will not only have a chilling effect on the number of qualified candidates interested in applying for the SCA position, but, more problematic, it can also have a negative impact on the new SCA’s prospects for success and longevity on the job. This same issue of collegiality vs. dissension also applies, but to a lesser extent, to the relationship between the Administrative Office of the Courts and the trial courts. Collegiality on the Supreme Court is crucial in order to provide an environment that will give the new SCA the best chance for success.

7. Understand the reasons for SCA turnover rates, both in your state and nationwide. (25 SCAs nationwide have left office since January 1, 2013.) The reported primary reason for SCA turnover nationally is a change in Chief Justice. Related to this primary reason, as discussed above, is discord among members of the Supreme Court. Other reasons are retirement of the incumbent SCA, as well as SCA job stress and burnout.

The Right Candidate

1. Be aware of the key competencies and experience needed for the new SCA to succeed in the next 5-10 years. Understand what personal and professional characteristics are required of an ideal candidate.

2. Consider whether you are seeking a candidate with attributes similar to, or different than, the incumbent SCA.
3. Key leadership competencies for an SCA should include the following:

- The ability to manage change within the court system.
- The ability to plan strategically and to motivate staff.
- The capacity to understand and appreciate the challenges and opportunities presented by technology.
- The capacity to appreciate both the internal and external constituencies that an SCA must deal with, and the need to be an effective communicator and listener in relating to these constituencies. Internal constituencies include judges and court personnel; external constituencies include, for example, other branches of government, the bar, and the public.

4. Other important leadership competencies to consider are the ability to:

- Inspire commitment and collaboration on the part of Judicial Branch employees, and to create a positive work environment among an increasingly diverse workforce.
- Set realistic goals and deliver on them.
- Commit and adhere to the principles of accountability, professionalism, and public service.
- Recruit exceptional employees and empower those employees to do good work.
- Manage large and complex projects from conception to completion.
- Be politically astute, media savvy, flexible, and emergency-ready.

5. The two most important personal and professional characteristics to consider for an ideal SCA are:

- *Integrity.* Related to “integrity” are such other terms as honesty, character, principled, and ethical.
- *Good people and communication skills.* These skills include the need to be collaborative, a good listener, a team builder, and a good writer. These skills also embrace the attributes of patience, humility, and compassion.

6. Here are some other important personal and professional characteristics to think about in terms of an ideal candidate:

- Strong commitment to public service and to mission over politics, ego, and tradition.
- Willingness to innovate and the courage to push forward in the face of resistance.
- Ability to constantly and quickly learn new skills.
- Good crisis management skills.

7. In terms of the experience of an ideal candidate, a former leadership or management position within the judiciary is particularly important. Having worked in a court system may be considered highly desirable, but not necessarily a prerequisite. A second area of experience is other government service, particularly involving legislative or inter-branch issues. A third area of experience is general leadership or management responsibilities in a large or complex organization, requiring a basic understanding of fundamental matters such as strategic planning, fiscal policy and budgeting, and personnel. Important management experience might include working in a multi-tiered environment involving diverse types of employees. Experience working with elected and other government officials is critical as courts move toward more cooperative involvement between state and local governments. It is helpful if budget and finance experience includes not only the standard appropriation processes but also involvement with grants (federal, state, and private), bond financing of capital projects, state-county-city joint projects, and other funding mechanisms.
Developing and Implementing Your Search Strategy

Once you have all the foundational elements in place, it is time to develop and implement your search strategy. There are options. Take those steps that are best designed to meet your objectives.

1. **Consider all of the possibilities for candidates.** Ask if there are good candidates internally that you might wish to promote into the SCA position. Determine if you want to promote from within. Consider how far you want to cast the net in terms of recruitment. Only within your judicial branch? Statewide? Nationally? Court systems only? Government only? All possibilities (court systems, government, business, academia, etc.)? As a general rule, it is advisable to cast the net as widely as possible, preferably a national recruitment. Court administration is an established profession, and a court system owes it to itself to assess what professionals might be attracted to the opportunity to work in its state. Internal candidates are best assessed against the strongest field, and if an internal candidate is ultimately selected they will be viewed in an even stronger light internally having secured the position against a national search.

2. **Develop the SCA position announcement.** Templates are available for use as a point of departure (see ‘Resources’ on page 7).

3. **Develop your timelines** for the recruitment and selection process.

4. **Disseminate the position announcement** widely in-state and nationally. At a minimum, transmit the announcement to the COSCA Listserv, to NACM members, to the COSCA-AHR listserv, and to the NCSC for posting on its website. You should also disseminate the position announcement to regional, state, and national bar associations, state government websites, and other national entities engaged in the administration of justice.

5. **Conduct an informal search.** Justices and others may wish to reach out to their counterparts in other states. There may be candidates in-state that could also be encouraged to apply.

6. **Develop a recruitment and selection budget** of projected expenses such as a search firm, interview costs for the review and interview panel and candidates, and potential relocation and other negotiated expenses. Search firms have been used by some states, but only to a very limited degree. Generally a search firm will charge one-third of the first year’s cash compensation of the SCA position.
Screening and Evaluating Your Candidates

It is important to design and have in place a fair and rigorous process for screening and evaluating candidates. Soon after the deadline for applications has passed, you should begin to implement that process.

1. Identify a process to use for the initial screening of candidates.

2. Include an initial paper review by your HR department to make sure that each applicant meets all the technical requirements of the position. Other planning and coordination support can also be provided by your HR department.

3. Establish a broad-based review and interview panel, consisting of one or more representatives of the following:
   - Current or retired appellate judge (including the Supreme Court)
   - Trial judges
   - Trial court administrators
   - Judicial Council members, if applicable
   - Senior AOC managers
   - An SCA from another state, or a representative from the NCSC
   - Other possibilities might include a representative of a bar association, a law school, or other representatives from state or local government.
   - The incumbent SCA (if departing in good stead, and if willing and available), may be asked to serve in an advisory capacity to the panel.

4. Assign the following responsibilities to the panel:
   - Review the applications, with a focus on evaluating the requested essay(s).
   - Decide whether or not to reach out to others, e.g. in the AOC or trial courts, for additional input about the SCA position.
   - Conduct initial interviews using standardized questions designed to elicit information about each candidate’s background, vision, experience, abilities and overall fit for the SCA position.
   - Require finalists to submit an essay on one or more selected topics. Some states have found it helpful to request a short writing sample from the final candidates. Refer a small number of finalists to the appointing authority.

5. Interview finalists recommended by the panel. Interviews should be conducted by the appointing authority (the Chief Justice, the full Supreme Court, or the Judicial Council). These discussions should entail clarity as to expectations of and by the new SCA. Questions such as the following should be addressed:
   - How will success be measured?
   - To what extent is the tenure of the SCA linked to the tenure of the Chief Justice?
Making Your Selection

You have now found one or more final candidates that you believe will be an effective leader. It is time to make your selection.

1. While those involved in the selection process (such as members of the review and interview panel) will have had the opportunity for input and to offer advice, the final decision is exclusively up to the appointing authority. Further, even though the appointing authority may be the Chief Justice alone, it is important that the full Supreme Court formally endorse the decision. If members of the Court have serious questions or doubts about the candidate whom the Chief wants to appoint, it will not bode well in terms of the candidate’s prospects for a successful tenure as SCA. It is recommended that the hiring decision be unanimously endorsed by the Supreme Court and/or the Judicial Council, if at all possible.

2. Before making the hiring decision, conduct exhaustive background and reference checks on the finalists. Reference checks should include contacting justices, judges, colleagues, and/or subordinates to elicit candid responses. The reference checks may include members of the legislative and executive branches in addition to the judiciary.

3. After the decision is made, the Chief Justice or designee should contact the top candidate to offer the position and resolve any remaining questions.

4. Finally, negotiate any pending issues relating to a start date, compensation, and benefits.

Developing an Onboarding Plan and Strategies

In order to get the new SCA off to a good start and to maximize the prospects for a long and successful tenure, an effective plan needs to be in place to guide the new SCA once onboard. The following elements should be considered as part of an effective “onboarding” plan.

1. Elements involving the Chief Justice and the Supreme Court:
   - Clearly and tangibly demonstrate support for the SCA through such means, for example, as a welcoming letter distributed to all judges and staff throughout the Judicial Branch and appearing with the new SCA in meetings with judges to express unequivocal support.
   - Delegate to the SCA those decisions that are strictly within the purview of the AOC.

2. Elements involving the Chief Justice and new SCA:
   - Work together to focus on becoming an effective leadership team.
   - Commit to having weekly one-on-one meetings.
   - Agree on a clear strategic direction regarding major initiatives and priorities.
   - Jointly attend CCJ/COSCA/NCSC orientation and trainings (e.g. on the executive leadership team).
   - Travel within the state together during the first year, and periodically thereafter, asking for feedback from judges and staff, the other branches of government, and the communities.
   - Advance effective governance strategies and decision making.

3. Elements involving the SCA:
   - Develop an effective leadership team within the AOC.
   - Become and remain strongly involved in COSCA.
   - Rely on NCSC as a resource.
Resources

The following resources are available from CCJ, COSCA, NACM and the NCSC. These can help you in your search and selection efforts, and can also assist your new SCA in the onboarding process:

• The NCSC will distribute “Recommended Steps and Practices for the Recruitment, Selection, and Retention of State Court Administrators” to all Chief Justices upon learning of a SCA vacancy. An experienced Chief Justice is also available as a resource, as are representatives from the NCSC.

• **Technical Assistance** is available from the NCSC to strengthen court governance, assess the organization and effectiveness of the AOC, and to assist in the recruitment and selection of the SCA.

• **COSCA** offers orientation programs and materials to promote Leadership Strategies for Success; Understanding the Major Challenges, and Issues and Trends Affecting State Courts and State Court Leaders. COSCA has also identified other resources to assist its new members, including a mentor program.

• The NCSC has developed a **Leadership Academy** to strengthen Court Leadership Teams.

• A national scan, trends, and backgrounds of SCAs, as well as templates of job announcements and competencies required for the SCA position are available from the NCSC upon request.

• **NACM** has numerous publications and resources available on its website, including THE CORE, which can assist Supreme Courts in identifying SCA leadership competencies.

• A comprehensive list of SCA salaries by state is available from NCSC at http://www.ncsc.org/salarytracker.