

PROGRAM REDESIGN

Thinking About The Core Program:  
It's Role In Managing The Retrenchment Process

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In managing the retrenchment process the program director must attend to two issues, the process of retrenchment and the outcome of retrenchment. The former involves issues of conflict, the sense of equity or injustice, the degree of information sharing etc., while the latter addresses the core program that is left when the cutback process is completed. The core in turn must be evaluated along certain dimensions, its viability, its adaptability, its fiscal strengths and weaknesses before the director can fully understand what the full impacts of the retrenchment process have been.

It is useful in this context to construct the following evaluation diagram

		Outcome (the core program)	
		good	bad
Process	Good		X
	Bad	X	

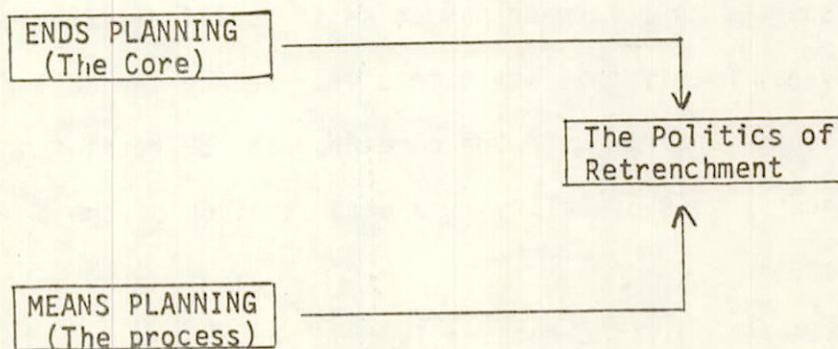
Thus for example if the process of retrenchment is judged to be a good one (e.g. there was little bitterness) but the outcome was bad, it is likely that there was too little conflict, that the program director did not sharpen his or her own sense of mutually exclusive options, and pretended along with the staff that everyone would equally lose or perhaps profit in some way from the retrenchment process. Thus for example the program might commit a high level of resources to severance pay so as to facilitate the outplacement of its employees, but in this way excessively reduce the dollars available to a) redesign and re-equip the core program b) retain some of the better staff at higher levels of salary as a demonstration of the program's commitment to them.

Similarly if the outcome is good and the process is bad, this may indicate that the program director did not pay sufficient attention to the

problems of fairness, and the needs of individual staff members. He or she may have decided to "bite the bullet" early, fire staff and retain the most suited lawyers, suited to his or her conception of the core. But such a good outcome may appear to be good only in the short run. The remaining core staff may feel guilty about the bad process ("survivors" guilt) and may also latently mistrust the director because of his "ruthlessness". Moreover those fired may resent the bad process and become secret enemies (or at least overly silent allies) of the core program at a time when it needs much support from its surrounding.

Thus clearly, a program director must attend to both the problem of outcome and process in planning for retrenchment. He or she must have in mind some (however tentative) image of the core and must be sensitive to issues in the retrenchment process. He or she must ask what kind of core program do I want, what is the structure of a core team, what are its distinctive competencies, where can it go in the future as well as, how can I arrive at the optimum level of conflict and the appropriate balancing of individual and collective futures?

In this context it is useful to think of the retrenchment planning process as divided into two simultaneously organized processes "ends planning" through which the core program is progressively defined and "means" planning through which the retrenchment process emerges. The two processes together then converge to define the program specific politics of retrenchment.

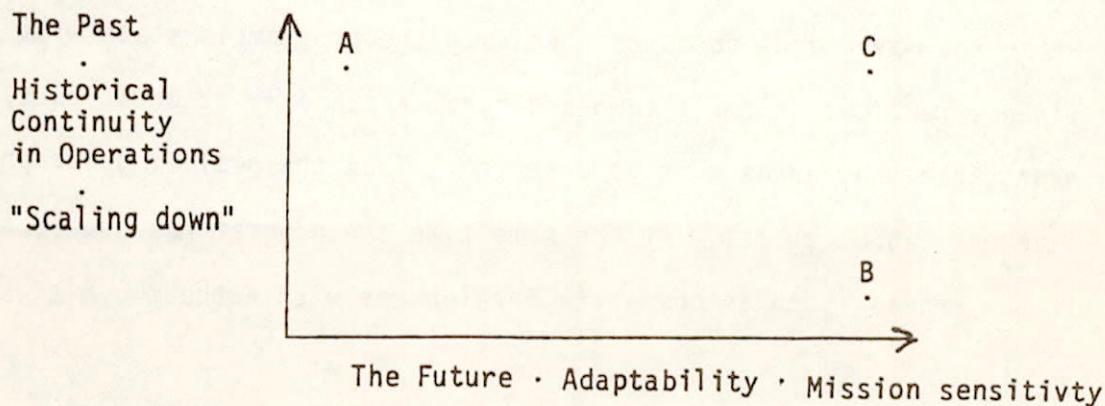


Thus in the rest of this paper I want to examine some of the key issues in attending to and selecting both means and ends.

Defining the Core

The word "core" in the phrase "core-program" suggests a range of distinctive features or attributes of the program that remain after the cutback process is complete: The core may be the most valuable part, the most representative, the best expression of the program's mission, the most talented; etc. For simplicity I suggest that many competing definitions of the core can be broken down into two categories. Core as representative of the program but on a smaller scale, and core as the team that can prove most adaptable/innovative under conditions of uncertainty. The former image evokes a program's commitment to historical continuity, to preserving ties with clients and friends, to maintaining, as much as possible prior services levels and geographical coverage. The latter evokes the uncertain future and the notion of an "elite" team that can a) authentically represent the mission of the program and b) help redefine parts of that mission as the wider political and social environment itself changes.

It useful to think of these dimensions not as mutually exclusive but as two components that can together create a two dimensional core program, in which one dimension represent the past, representativeness and coverage, and one represents the future, mission and adaptability. The following diagram represents such a two-dimensional core.



Thus when a program director thinks about a core he or she wants to ask where do I want to be on this diagram and what reason do I have for choosing such a position? Thus for example take point 'C', a program high on both dimensions. This is possible within the core/network program design that I've described in another paper. In this design the program supports a core of staff that is sensitive to the problem of mission and mission development (with considerable expertise in appellate and impact work) and at the same time manages a network of services based on a composite model of *judicare*, closed panels referrals and pro bono. A director might choose such a design <sup>if</sup> a) the program has good relations to the bar b) it has a strong core of lawyers committed to the social reform mission of the legal services movement and c) it has the capacity to manage a complex service network.

Alternatively the director might focus on point 'A' in which representativeness dominates adaptability. He or she might do this because the program operates in a hostile political climate. Local funding agencies are hostile to the social reform mission of the program, while the bar may not cooperate in the development of a network of service delivery systems. The director judges that the program can maintain its political viability and visibility by continuing to offer services to as large a number of clients as possible. To do this he or she develops designs (circuit riding, telephone service, computerized pleading banks) to maintain service caseloads despite the cutbacks.

Finally, another program director may choose point 'B' which adaptability and mission sensitivity dominates service provision and historical continuity. He or she may decide to do this because the program is state wide and can finance services in small town and rural areas only at great cost. Cutbacks means that many areas must go unserved. Thus the goal of geographic representativeness cannot be met. At the same time the program has developed competence in new areas-- such as community development within the two cities it serves

and thus the program director feels positioned to take advantage of new areas of impact law. He or she decides that the costs to service visibility that this design entails are more than balanced by the credibility his or her staff can generate as they mine a new seam at the intersection of law and social reform.

Thus the decision as to where in this two dimensional array the core program should fit, is clearly a variable one based on local program strengths and weakness. These examples suggests however that program directors attend to the following issues in placing their core-program designs within this framework.

1. The economics of service delivery at reduced budgetary levels; how geographically spread out the program is, what options are there for making the service more capital intensive, what are the limits of one-person offices?

2. The politics of reduced service levels; what does the program lose in visibility if it cutbacks programs? In the emerging political environment will there be any "play" left to impact work? If not can an emphasis on the latter substitute for a de-emphasis on the former?

3. Relationships to the bar; how cooperative will the bar be in helping the program develop a network of complementary services?

4. The mission problem - what design will preserve the historic mission of legal services? Does the program have people who can help redefine that mission, particularly in its content (e.g. what are the emerging impact areas), if prior activities should prove untenable?

#### The Core "team"

The program director will think of the core program not in the abstract but in terms of the actual people presently employed by the program. Obviously, the strengths and weaknesses of these people will decisively affect the possible

designs of the core program itself. It is tempting here to simply think of the core as the "best litigators" or the "most experience". At times this may be right but it is important for the program director to be sensitive to other criteria. There are several ways to think about a core.

1. The core as a team of complementary roles. Any core program has many different functions to perform. A team of the "best" lawyers may result in members who insufficiently complement one another, they are simply too alike and therefore cannot manage and develop a many-sided core program.

Thus it is useful to think in terms of core roles that should be filled. One complement of roles might be:

- a litigator
- an influence holder within the program
- an external boundary manager--effective with funding agencies
- a service delivery person--someone with strong local political ties who wants to be known to many clients.
- a good manager.

2. The core as a complement of traits. Another set of complements might be based on traits rather than professional interests and competencies. Thus for example it is common knowledge that a team of "all stars" is very difficult to manage, each member does not like to take orders. Thus in thinking of a core you might want to balance

- leader---followers
- young---old
- experience---inexperienced

The last two criteria are particularly important. Young people may be ~~in~~ inexperienced but they are on a higher point of their learning curve--that is they have a lot to learn and therefore are ready to commit themselves "beyond the call of duty" to the work of the program. In addition, the more experienced

may a) resent learning or doing new things, they have invested much in doing the work they do best, b) may feel more trapped as they lose subordinates and have fewer people to supervise and command c) may in any case be at a point in their lives where, regardless of the fact of cutback they are either consciously or unconsciously evaluating their career choices. Thus the program director may initially get them to stay, but they may leave too quickly.

3. The core of outsiders: It is important for the director to consider even if he or she ultimately rejects it, the possibility of hiring someone from without the program as part of the core. This is a risky decision. Those who stay and those who leave may both resent the "interloper". On the other hand there is a strong possibility that very good people committed to legal services work will be looking for jobs in the coming years and that some of these may have a great deal of seniority in the "movement" if not in the particular programs they left. The core might be strengthened by such people.

4. The core and program mission: It is important to consider the problem of mission in thinking about the core team. If a core is to have staying power its members should have a shared mission to get them through the difficult period ahead. It is unlikely however, though here one can never be certain, that difficult and burdening service work can be motivated by the same sets of ideas that inspired the poverty lawyers of the sixties. That cohort of lawyers worked within a political milieu that is changing in structure and scope and many of the political allies that shaped that early work are no longer present. At the same time the very successes of that cohort raises issues for the future of legal service work, irrespective of cutback issues. Certainly legal services lawyers have demonstrably

improved the ways in which other public services treat and support poor people and much client work remains to be done in this area. But it is unlikely, that new impact work will emerge from this area of practice. Legal services face the complex problem of developing impact work practices in areas in which private and public sector interests complexly overlap. Recent legal services interest in community development is an example of such an area. The core should be designed so that it can begin to address this difficult issue, if not in practice (and it may prove impractical to do so in the next four years or) then in theory. Seen in this context "old guard" lawyers may be unprepared to make this shift while newer staff may commit their legal service career to these new issues.

5. The core group and the undermanned setting: Finally, the core group will have many of the feature of what researchers call an "undermanned" setting. Just as large organizations have dysfunctional features -- depersonalization , fragmentation of work, and unresponsiveness, so do small ones have positive features. People will have more work to do in the core team than they did in the program but they will perform them within an organization in which

- there are no formal leadership and hierarchy issues
- there is a negotiated division of labor
- personal accountability and trust is the glue of the work-relationship
- people are committed to each others well being

It is important when thinking about the core to see how particular program designs, may maximize these positive future of undermanned settings. Thus for example, a program director might stumble on the "worst of both worlds" design, if he or she develops a core team that is geographically spread out, and doing just routine service work. The gains from undermanning

will be cancelled by the lack of contact on a day by day basis and the standardization of its legal practice, so that joint negotiation is not deployed to organize emerging tasks.

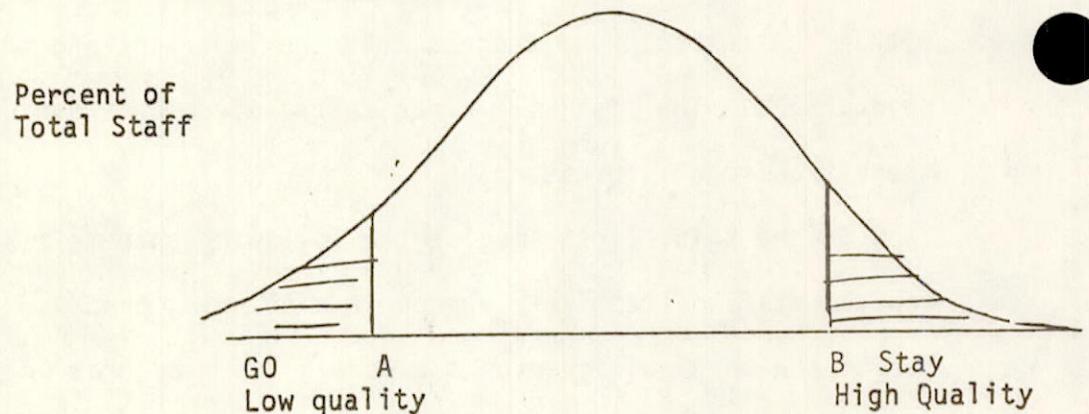
#### Means Planning

Thus far I have talked about the director's image of the core. But ultimately such an image will have meaning only if the program director can precisely specify the people he wants to remain with (or recruit to) the program. Thus at some point the director's concept of the core must translate directly into lists of people, their skills and their future roles in the core. Such a list is critical for developing and managing the process of retrenchment, that is in engaging in "means planning". The list will enable the director to distinguish between political decisions and events within the retrenchment process that are important and those that are unimportant. The list will organize the director's own understanding of the retrenchment process.

To see this, first imagine the following extreme case. The director and the staff collectively engage in a planning process. They collectively design the core and agree on the core group. Such an unlikely result i.e total group cooperation in the retrenchment planning process may emerge if, as I have suggested in another paper, program leaders help individual's plan for their own futures, just as they are delegated to plan for the future of the program. The degree of collective planning will be directly a function of the degree of support and legitimacy for individual future planning (with attendant program resources committed to the latter process). But

many programs may not reach such a perfect synthesis of individual and collective planning processes. Fundamental geographic, political or racial politics may emerge so that the retrenchment process is thoroughly politicized and coalitions form around particular retrenchment options. In this context

the director may try to manage the political process, through the traditional skills and mechanisms available to him/her, e.g., setting agendas, mobilizing personal influence, calling in chips, working with the executive committee of the board, appealing to outside forces etc. But surely he or she cannot control the process in its entirety. In these circumstances it is important for him or her to have a clear image of the desired outcome, - the core program and its corollary staffing pattern, to illuminate which decisions and processes are important, and which can be best left to the influence and political strategies <sup>of</sup> others. Thus for example, imagine for the sake of argument, that the director or program leadership could "place" staff along some continuum of quality with respect to the core program model, from bad to good, and the resulting frequency distribution followed the usual "bell shaped" curve (as it is most likely to do).



Then the program director can decide that he or she only really cares about decisions in the two "tails" or extremes of the curve, that is, he or she wants the people from point B and to the right to definitely stay and wants the staff from point A and to the left to definitely go. But he or she is indifferent with respect to core staffing patterns, as to decisions about who leaves and goes with between points A and B. This means the director can allow political processes to influence decisions about staff

between these two points while he or she concentrates most of his or her tactical and strategic decisions on issues that affect the two extremes.

But note that the director can do this only because his or her concept of a core program enabled him or her to construct the continuum to begin with. The concept of the core thus functions as a selection mechanism which draws attention to a few important decisions and process and allows the director to neglect, or at least undermanage others.

Ultimately the measure of the power of a core program idea is its power to focus the attention of program leadership to key processes and political issues. As the following table suggests the core program image should enable the director to divide issues into those he or she cares about or does not care about, and those he or she can or cannot win.

	Can Win	Cannot Win
Care About	1	2
Don't Care About	3	4

Thus the director will commit many of his or her resources to issue to box one issues, will engage in defensive strategies in box 2 issues, will use box three issues as "strategic chips" to influence issues he or she in fact cares about (e.g. "I'll give you 'X' if you give me 'Y'), and may entirely neglect box 4. Again, as this box demonstrates, the core image if concretely identified, will enable the director to economically and effectively deploy his or her political resources most effectively to influence the retrenchment process.

If the core image does not have the power to structure particular decision processes and issues, the director will face the dilemma of either attending to and trying to win everything, and thus risking losing everything, or of

simply yielding to other political forces in the program, thus relinquishing his or her right to influence the outcomes of retrenchment.

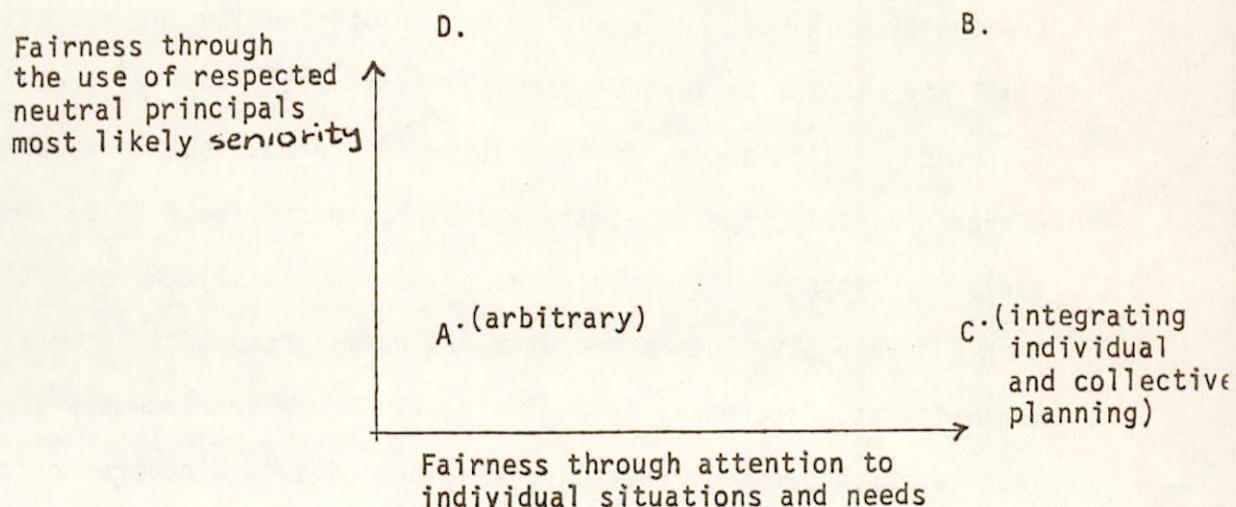
#### A Brief Recapitulation

Let me briefly recapitulate my argument. At one extreme a director may be lucky or skilled enough to develop a retrenchment process in which staff and board collectively and cooperatively plan for the future. Coalitional politics is minimized as all staff develop an image of the core, agree to its corollary staffing pattern, and collectively manage the process of cutback. At the other extreme, we may have a highly politicized, secretive, complex coalitional struggle in which different groups and people plan, through plotting and cabals, to wrest control of the program so that it protects their individuals futures and their particular concept of the program's future. (In such a setting those with the fewest alternatives outside the program will fight hardest to protect themselves. This could produce a poor outcome since those with more alternatives are often the better qualified general). Most programs will lie somewhere in between so that both collective planning efforts as well as more complex coalitional systems will emerge and structure the retrenchment process. It is in this in-between setting that the program director can use his or her conception of the core to influence the decision process.

#### Where is a Program on This Continuum

Many program directors probably have a good feel for where their programs lies on this continuum. But I suggest that the problems and issues in using neutral principals to guide layoffs are good measures for the ways in which collective planning and coalitional politics may combine to organize the retrenchment process.

The following diagram is helpful here:



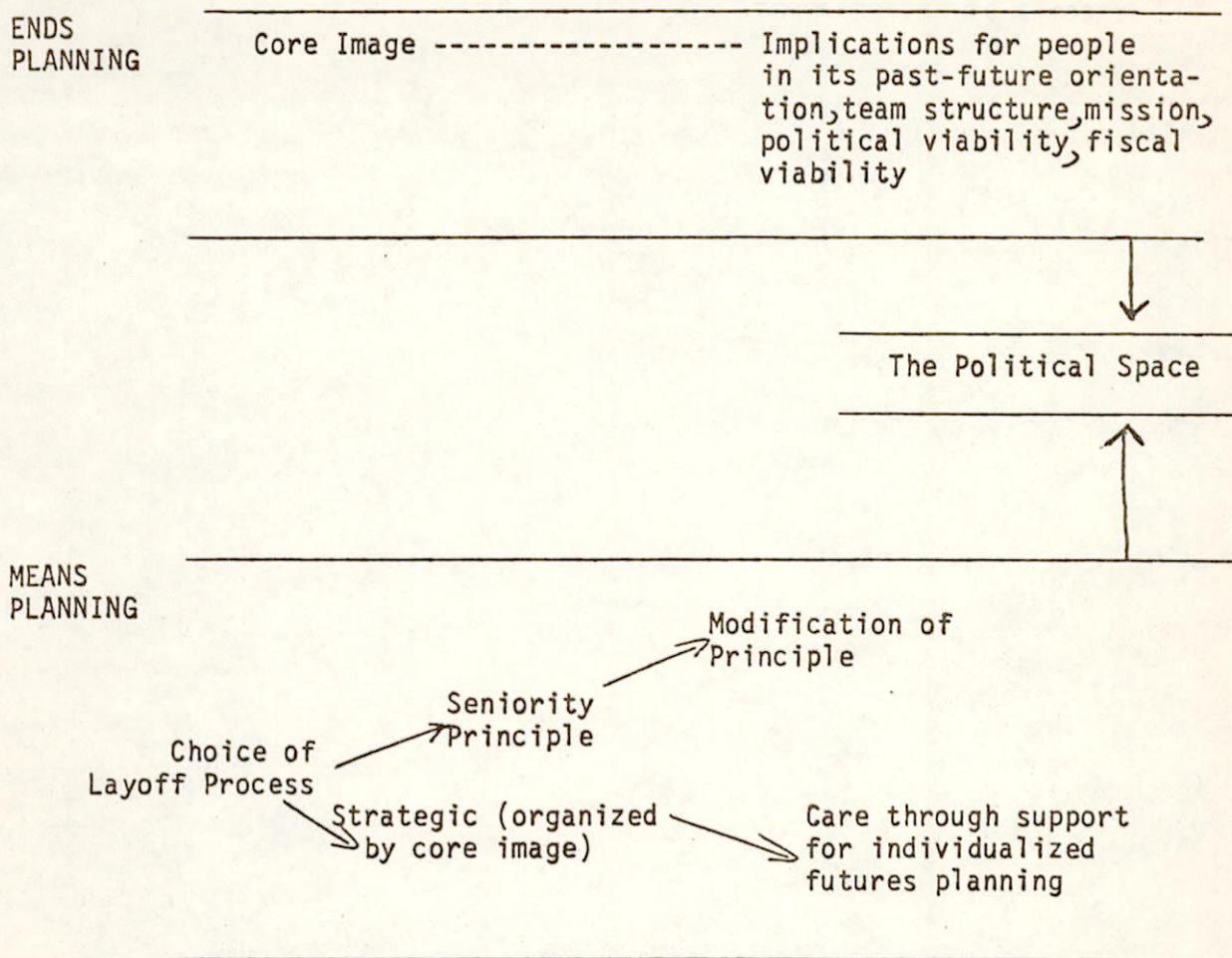
There are two ways to achieve a fair lay-off system. The program can deploy a culturally recognized fair principle - and here seniority is the central principle available, or it may produce fairness by attending to people's individual needs, (e.g., their incomes, do they own a home, can they move, what are their job prospects, their skills, how much time do they need to find a job) within the framework of developing a collective image of the core program. Any actual process will lie somewhere on this graph. Thus for example point 'A' represents an arbitrary process in which neither a recognized neutral principle nor individualized care and attention are used to manage layoffs. Point C represents a point in which strictly personalized criteria are used, As I suggested, this is possible when individual and collective planning are jointly integrated. Finally point B, in contrast to point A, represents a point in which both principles are used. Thus for example the seniority principle may be provisionally applied, in the planning stages of the layoff, its consequence imagined, and adjustments made to take account of collective images of the best core and particular individual needs.

Realistically, most programs will begin with the seniority principal at point D. Nonetheless they will discover that the seniority principal is not so easy to apply. Thus for example, if the last *hired* are the first *fired*, an excessive number of minority lawyers may be let go. Similarly, if the seniority principle is strictly applied certain offices may close or imbalances in the ratios of professional to support staff may emerge. Finally, the seniority principles must itself be defined. Is it seniority program wide, by office, or by job classification? Can a lawyer bump a paralegal? Does a secretary recently promoted to a paralegal have seniority as a secretary or a paralegal? These are issues which must be immediately addressed, revealing that behind such a neutral principle lie difficult political and programmatic decisions.

The program's response to this problem will be revealing. There may be strong wishes among program staff to tighten the principle itself despite its irrationality. This will be a sign that the program staff is simply not prepared to handle the politics of its application and fears, perhaps correctly, that if they open the discussion of its selective application, difficult to manage political processes will emerge. On the other, the quick breakdown of the principal may in fact lead to program fragmentation and the emergence of a highly divisive retrenchment process. I suspect however that in most programs, the difficult to apply seniority principle (or some other such neutral principle) will in turn open up a political space in which the director can begin to structure and influence the decisions process so that it produces both a good outcome and a good process. It is in the framework of this process that the concept of a core program can prove helpful.

In Sum

In the beginning of this paper I suggested that the director must engage in both an ends planning and means planning process. The ends planning produces a concept of a core program that means planning a method for influencing the layoff process. I can summarize these two planning processes in the following way.



In order to understand this diagram imagine the following likely scenario. The director forms an initial hypothesis or image about the core program, while the retrenchment process is initially organized by a discussion of the seniority principle. The principle will prove ambiguous, the director along with other program leaders will initiate discussion about the core as

a method for guiding the layoff process. This will broaden the political discussion to include ends and means. This may lead to both great collective planning impulses and coalitional maneuvering. This collective planning, represented by task forces, may in turn lead to modifications in the core concept, which may in turn reshape program staff's evaluation of the seniority principle etc. It is in this process then, that a political space opens up through which the director can play a role in shaping both the processes and outcomes of retrenchment.