



# BoardLink

Your connection to effective bar governance

## BoardLink – Your Connection to Effective Bar Governance January 2011 Issue

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### ***For the Good of the Order***

There are a couple of families in my neighborhood that are maximalists when it comes to Christmas. You know the ones. They've got the reindeer in the front yard, the blow-up Santa on the roof, perched next to angels that overlook a full nativity scene. And then there are the lights – blinking, colorful, covering every possible surface. I appreciate the enthusiasm, but I always end up feeling a little overwhelmed.

That scene came to mind as I thought about a particular challenge our bars face. As we add program after program in our efforts to provide value to our members, our bars start to look a little like those front yards. We have lots of *stuff*. And, frankly, we all tend to be great practitioners of “association math.” We continue to add programs without subtracting anything. With today's pared-back budgets and staffs, we face an even greater risk of spreading ourselves too thin.

One of the board's most important jobs is to ensure that resources are used wisely. So, this issue of BoardLink will provide a few tools to better understand which of our organization's programs are having the greatest impact on our members, our profession and our communities. It also will help us identify and address programs that aren't working as well, so we can spend our energy on the things that matter most.

I'm hopeful that 2011 will be a year of greater prosperity for all our organizations, but whatever the future brings, it will require our boards to make challenging choices. The secret is to be as informed as we can be before we make them.

Best wishes for the New Year!

William R. Bay  
Chair, ABA Standing Committee on Bar Activities and Services

As always, please forward this issue to your board and to your young lawyer leadership, and encourage them to subscribe.

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### ***This Quarter's Main Motion:*** Tools to Make the Tough Choices

When I work with a bar association or foundation board, I like to know what they think of their own performance. So, I often ask the board do a short self-evaluation. It's encouraging to see the progress boards are making, but one responsibility is a perpetual challenge. Whether you call it "purposeful abandonment" or "slaying the sacred cows," the practice of scaling back or eliminating programs so that resources can be invested elsewhere is the function our boards say they perform the least well.

Why is it so difficult? Three reasons are ubiquitous: Lack of deliberateness, lack of definition and lack of will.

#### Asking the Question

Every time we consider adding a new initiative or program to our bar's portfolio, we also should be asking the question: *How are we making room for this? What's going away?* I think we'd all admit we don't practice this as diligently as we should. With finite and – these days – shrinking resources, our boards need to put these questions front and center.

#### Setting Expectations

Second, we often don't define what a successful program looks like in advance of launching it, so expectations of the program are murky. And let's give ourselves some credit. Our ideas are good ones. There are few obvious clunkers out there. However, we all have programs we know are marginal. And with no up-front expectations to meet, we allow these programs to limp along.

So, what exactly do we mean by "expectations"? Just as we have evaluation criteria in our employee performance reviews, we need to establish a set of success measures or metrics that demonstrate that a program or service is having its intended impact. In our excitement to get new ideas off the ground, this important part of program development often is overlooked. In fact, it should be a part of any business plan.

Bar association and foundation metrics typically fall into two categories, those that define how the program advances the mission, and those that define the budgetary impact. Mission-related metrics might address, for example, how many members you'd like a program to reach, and their satisfaction with it. Metrics also identify desired outcomes like increased competency, behavior changes or impact on the courts and community. Because you want these expectations to be measurable, creating metrics that truly illustrate a program's success can take some creativity. The question you should be answering is: *What will be happening (for our bar, for our members, in our profession or in our community) if this program is successful? What will be different?* Please visit the Resources section of this issue for additional examples of program metrics.

You may only need three metrics to evaluate the success of a program, or you may need six or seven. While you want a reasonably complete picture, you also don't want the process to be too burdensome. Prioritize what's most important. No one wants to spend all their time measuring.

And let's take a moment here to acknowledge that numbers are never going to tell you the whole story. Sometimes a program is just the right thing to do, or it's reaching the right people, or we're the only ones who are going to do it. Still, setting expectations like these is a good place to start.

With a program's metrics defined, the board can begin to evaluate it, using a simple worksheet like the one below. This worksheet includes sample metrics for a New Lawyers Bootcamp program.

Mission	2010 Rating 1-5 (low to high)	Margin	2010 Rating 1-5 (low to high)
Expectation: 75% of new lawyers participate 2010: 50% participation 2009: 40% participation 2008: 35% participation	3	Financial expectation: Break even 2010: Net (1,000) which represents .5% of the expense budget 2009: Net (1,500) 2008: Net (2,000)	3
Expectation: High participant satisfaction based on evaluation 2010: Avg satisfaction 4.6 out of 5 2009: Avg satisfaction 4.1 out of 5 2008: Avg satisfaction 3.8 out of 5	5	Staff time contribution: Low 2010: 25 hours 2009: 25 hours 2008: 35 hours	4
Expectation: 50% of participant supervisors observe increased competence 2010: 35% of supervisors report notable increase in competence of participants 2009: 30% of supervisors report notable increase in competence of participants 2008: 20% of supervisors report notable increase in competence of participants	3	Volunteer time contribution: Low 2010: 10 hours 2009: 15 hours 2008: 15 hours	5
Average score	3.67		4.0
Three-year Trending	Higher		Higher

In this grid, the term "margin" refers to net revenues. However, a net revenues figure is of limited value unless you find a way to account for a program's overhead. For example, you may think your annual meeting is generating revenue, but if you don't allocate the staff time it takes to organize the event and other indirect costs (space, telephone, hardware/software costs), you're not getting an accurate financial picture. If your organization is not able to allocate these costs, estimate the staff and volunteer contributions as I have done in the Margin column above.

This individual evaluation will provide the board with a snapshot of the program trends:

- Who was the program intended to reach? Who is it *actually* serving?
- Is participation growing or shrinking?
- Is program quality improving?
- Is it getting closer to or further from the financial expectation?
- If the program is subsidized, how many people are being served for the amount the program costs?
- Is the staff and volunteer time devoted to the program appropriate given the impact it's having?

The evaluation will be most helpful if it's used alongside evaluations of other programs in the bar's portfolio. How do the bar's programs compare? The evaluations can illuminate which programs have greater potential and perhaps deserve greater investment. They also can reveal which programs have run their course and may be nearing the end of their successful life cycle.

### **Communicating Program Changes**

The third reason we have trouble eliminating programs often is the trickiest. Sometimes it's perfectly clear to the board that a program has outlived its usefulness. But we're justifiably uneasy about eliminating a program that a constituency of the bar – even a small one – still values. Whatever the situation, the bar should develop a communications plan for any program that it intends to scale back or phase out. Consider some of the following strategies:

**Go chairless.** If the program is run through a particular committee, some bars simply don't appoint a chair. If you believe no one will especially miss a program, this may be a viable option.

**Explore alternatives.** In other situations, it may be appropriate to let members who are involved or served by the program know what's on the table. In other words, don't surprise them. Get stakeholder input and be open to alternatives that meet the board's criteria for continuing the program. For example, the board might consider any ideas that would enable the program to break even or that reduced the required staff support. Whatever the outcome, loyal participants may then feel more satisfied that the board made a reasonable attempt to salvage the effort.

**Don't just delete. Replace.** If no alternatives are viable and the board makes the decision to eliminate a program, show that it's strategic. In other words, "We've decided to scale back our efforts with Moot Court, because we can have a greater impact in the civics arena if we focus on our teacher programs."

**When possible, support the decision with data.** "We expected this program to affect at least a 5% annual increase in awareness among lawyers of the most common disciplinary problems, but the program has had no measurable impact." Or, support a shift in priorities: "the membership survey revealed that 75% of members were most interested in practical tools that help them in their practice, so we're focusing more of our efforts and resources there."

Again, evaluating the relative efficacy of programs is part of the difficult, but profoundly important work we need most from our bar association and foundation boards of directors. Make sure your board has a process in place to help it work through that most important question: *In what direction should our organization move, and how do we create the space to do it?*

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### ***Tales from the Boardroom: A Deferring Board?***

#### **Our scenario:**

In 2007, the president of the State Bar Association wanted professionalism to be the emphasis of his term, and for the bar to create a professionalism program. The program he and the staff developed was well received at the time, but the energy surrounding it waned when his term ended. While the president felt it was an important topic, it wasn't an organizational priority supported by the other officers and the board. By 2010, program attendance was low. Those who did attend were leaders in the bar community, but not those for whom the program was intended. In 2010, registration fees failed to cover the cost of the program and members' dues dollars subsidized the shortfall.

As the board worked with the finance committee to develop a balanced budget for 2011, the board decided to eliminate the professionalism program along with two other programs that were expensive to run and were not having the desired effect. When the past president got word that the program would be eliminated, he made an impassioned plea to keep it, emphasizing the necessity for a forum for exchange on professionalism topics. The board was swayed and balanced the budget instead through a variety of other cuts.

### **So, what's the problem?**

It's possible the board made the best decision in this situation. However, this scenario raises a couple of important issues:

1. **Success measures are important to evaluate program impact. They also can help mitigate the *personal*.** This board intuited that the professionalism program was marginal, but there weren't agreed-upon expectations that allowed the board to evaluate the program objectively. In this case, the lack of clear expectations may have left the board susceptible to one president's force of personality. Did the board truly make the best decision for the organization, or was it the easier decision?

**Who is responsible for setting priorities?** The board appears to have yielded to this individual president to set direction for the organization. While professionalism is an important topic, this issue wasn't at the top of the bar's priority list. Whose responsibility is it to ask tough questions and help steer the president closer to the organization's most pressing needs? (Hint: It should be a collaborative effort.) In fact, the board and staff should work together to keep leadership focused on the issues that are most critical to the bar's success.

Write me at [lewinj@staff.abanet.org](mailto:lewinj@staff.abanet.org) with your bar's good practices and suggestions. We'll share them in the next issue.

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### ***This Quarter's Best Board Practice***

#### **A Noteworthy Welcome**

Every quarter, the Tarrant County Bar Association invites its new members to a board meeting. Following the meeting, the bar holds a reception expressly for those new members. What's the message? This is *your* bar association, and you're each important and welcome. What a powerful way to demonstrate inclusion and access to leadership!

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### ***Other Board Resources***

#### **Bar Association/Foundation Program Evaluation Grid**

This evaluation grid is a tool to help you create a holistic picture of your bar's programs. Plot the programs on the following grid.

Mission →	High Mission Low Margin	High Mission High Margin
	Low Mission Low Margin	Low Mission High Margin
	Margin →	

Programs that have a high mission impact and net a nice profit (High Mission/High Margin) are your stars. You also may have several programs that have a great impact – your newsletter or magazine, for example – but are subsidized by general revenues. These fall in the High Mission/Low Margin category. It's appropriate to have programs in this category, but the decision to subsidize should be a deliberate decision on the board's part. Similarly, you may decide that you make a significant amount of money on something that doesn't have much impact on mission (list sales, building rental), but subsidizes other things. But, what's showing up in the Low Mission/Low Margin category? If something's not having much impact, and is costing the bar money, it certainly deserves a closer look.

### Examples of Program Metrics

#### General metrics

- Number of members that attended/participated OR percent of target population that attended/participated
- Number of members or clients served
- Number of returning participants (to a monthly or annual event, for example)
- Number of participants who say they would be very likely to recommend a specific program/ service to their peers

#### Examples of impact metrics

- Members or employers report better professional performance
- Disciplinary agency reports an x% decrease in disciplinary complaints about a target group
- We see x% reduction in court backlog
- X% of voters voted against the judges we do not recommend
- We see x% increase in competition for leadership positions

#### Other strategic metrics

- The number of priority functions the program supports (for example, a program that both meets community legal needs and is a member service)
- The number of connections the program makes to other association or foundation programs (in other words, is it an entry point?)
- Program trends over 3 years (for example, does the program appear to be growing or shrinking)

#### And finally, the financial/resource expectations of the program

- Is the program expected to generate revenue, break even or operate at a loss?
- What level of revenue or loss is expected?
- How much staff time do we expect to invest?
- How much volunteer time do we expect to invest?

#### Other Metrics

Loyalty/customer service metric:

<http://www.netpromoter.com/np/calculate.jsp>

5 Metrics for Nonprofit Communication

<http://prtini.com/5-metrics-for-nonprofit-communication/>

Social Media Ad Metrics

<http://www.iab.net/socialmetrics>

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### ***Your Feedback***

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