**TEAMWORK AT THE TOP**

Bar organizations are led by a team of individuals and entities that have different decision-making authority within the organization. Every organization will have a president and board of directors. It also will have other officers, sometimes grouped as an executive committee. If the organization has staff, the executive director and executive staff also are part of this leadership team.

**THE PRESIDENT’S ROLE**

Nearly every bar president has three primary roles:

1. **To lead the board (and executive committee, if the bar has one) in its governance and decision-making responsibilities**
2. **To serve as the bar’s official representative, chief spokesperson and chief ambassador**
3. **To facilitate the work of bar entities (primarily through the appointment and orientation process)**

The president’s specific responsibilities will vary from bar to bar, but a few qualities appear over and over among the most effective bar presidents.

**THE MOST EFFECTIVE BAR PRESIDENTS . . .**

1. **Steward**
   
   Stewardship means placing the long-term welfare of the organization ahead of individual priorities, no matter how important or noble those priorities may be. Look to your entire board to help identify the most pressing needs for your organization so that there is broad institutional commitment and continuity with those who follow you. Are you building on the organization’s existing strengths? Are you helping to leave your successors with a more secure and vibrant organization?

2. **Advocate**
   
   As the chief elected officer, you’ll serve as the primary point of contact for members, news media, community groups and the general public. This means that your conversance with and enthusiasm about the bar’s activities matter. Exercise your personal leadership to motivate volunteers and staff, and exploit every opportunity to advance the bar’s message, mission and priorities.

3. **Facilitate**
   
   Some decisions are the president’s alone to make. Much of the time, though, the president has the opportunity to bring others into the decision-making process. Other volunteers and staff are your partners, so work collaboratively, maximizing their talents and energy.

   The best decisions tend to come from discussions in which different points of view are represented. In board meetings and in discussions with staff, the president has an important role in soliciting these views to ensure the board arrives at its decisions thoughtfully. Make sure those who disagree don’t sit silent. Engage those who don’t express their views readily. Listen. At the same time, it’s the president’s job to guide discussion and keep everyone on topic.

4. **Plan early, prioritize and expect the unexpected**

   The worksheets in the back of this handbook will help you focus on the bar’s short- and longer-term priorities. What progress do you want to try to make on those priorities during your term? Focus on one or two discrete issues. Set goals that are both achievable and that challenge the bar to strive for excellence.
If your bar has a strategic plan, which pieces of the plan should the bar focus on during your tenure? Are there other issues that might emerge during your term that you’ll need to address? Plan, but be flexible. There will be surprises. Adjust as new information emerges.

5. Use resources wisely
Understand what internal and external resources are available to you, and use them in a considerate and realistic way. Is there something the bar wants to accomplish that would have a greater impact if it partnered with another bar, legal or community organization?

6. Run effective meetings
If time is the new currency, meetings should make the most of every minute. Organize your agendas accordingly.

7. Delegate
It’s your presidency and you want everything to run smoothly. But you can’t do it all, and you shouldn’t. The executive director, board, staff, and committees are your partners. Talk with the executive director about the responsibilities staff can be expected to handle. Coordinate with committee chairs and other volunteers about the work they may be able to undertake. Before you delegate, focus on the outcomes the bar hopes to achieve. What impact do you want to have? Communicate those expectations to those who will be doing the work. Then, leave it to them to decide how to get it done, and you can monitor their progress.

Be generous with your praise. Be prompt, sincere and public when acknowledging the contributions of the bar’s volunteers and staff. Be sure to reward extraordinary efforts with commensurate attention.

8. Cultivate relationships
Leadership is about influence. It will be of tremendous value to you to cultivate strong relationships with the bar’s key volunteers and staff. Make time to talk with other officers, members of the board, section and committee chairs and staff and listen to where they stand on the key issues the bar is addressing.

If your association has an executive director, a good working relationship with this person is of the utmost importance. The executive director will help you to anticipate and address challenges that arise in an efficient and effective way.

The bar (and its president) will make mistakes. Take these opportunities to build loyalty with volunteers and staff by accepting responsibility for misjudgments and carrying on with the goals of the bar association. When mistakes happen, look for opportunities to facilitate constructive discussion, identify how the situation occurred and how it can be avoided in the future.

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**Know Your Board Leadership Team — Tips for Success**

**Champions**
- are excited about all your ideas and make you feel great
- relying solely on their perspective can be disastrous because they’re typically terrible judges of how ideas will be received

**Chasers**
- watch and see, are deliberative
- are great at helping carry out ideas

**Converts**
- ask lots of questions
- are never wildly enthusiastic
- once you have them, you have a critical momentum mass for change

**Challengers**
- shoot down your ideas
- ask the really hard questions, but force you to think things through

**Changeaphobes**
- will never change
- often feel victimized
- help them leave the battlefield with some dignity

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*Adapted from a presentation by Bernard Ross, The Management Centre

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Luck is the residue of design.
—Branch Rickey
9. Pay attention to personal planning
Confer with family about the responsibilities and rewards of your presidency. Confer early and check in often with work colleagues as you arrange to take time away from your law practice. We’ve never met a president who said serving took less time than he or she thought it would.

Talk with your assistant or office staff about the impact the presidency is likely to have on your time and, by extension, his or hers. Will your office staff need to take on any bar-related responsibilities?

In addition to the association’s regular board meetings, the bar president should plan to attend breakfast and luncheon meetings, committee and section meetings and be ready to represent the association at a variety of dinners, social occasions and civic and educational functions. National and regional meetings also may be necessary. So, as you approach your term, understand that you’ll be less available to your family and practice. Making sure that everyone understands this will help ensure that there’s a family and practice to which to return!

10. Enjoy!
Serving as the bar association president is a tremendous honor and a great opportunity. With preparation, realistic expectations and a sense of adventure, it will be an exciting and rewarding time. Have fun!

WORKING WITH THE BOARD
Whether you call it the Board of Directors, Board of Governors or Board of Trustees, this governing body determines the course and destination of your bar association. While a single individual – the president – leads and speaks for the bar association, it is a collective body – the organization’s board – that holds the ultimate authority and responsibility for everything the bar association does.

THE BOARD’S FIDUCIARY RESPONSIBILITIES
Boards operate very differently from organization to organization. The bar’s size and the number of staff, for example, both affect the board’s role within the bar. However, one thing is common to all boards: fiduciary responsibility. While members engage in board service voluntarily, fiduciary responsibility is an obligation that volunteers are required to fulfill. According to BoardSource, “fiduciary duty requires board members to stay objective, unselfish, responsible, honest, trustworthy, and efficient. Board members, as stewards of public trust, must always act for the good of the organization, rather than for the benefit of themselves. They need to exercise reasonable care in all decision making, without placing the organization under unnecessary risk.”

In most states, nonprofit board members are expected to fulfill three primary duties: the duty of care, the duty of loyalty and the duty of obedience. Board members of bars that are considered government agencies (or quasi-government agencies) will have many requirements that are consistent with these nonprofit duties, but also may be subject to additional requirements such as open meetings laws and other measures to ensure transparency and accountability.

The three primary duties are described in brief below.

The Duty of Care
According to the ABA Section of Business Law’s Guidebook for Directors of Nonprofit Corporations, “the duty of care calls upon a director to act in a reasonable and informed manner when participating in the board’s decisions and its oversight of the corporation’s management. The duty of care requires that first, a director be informed; and second, that they discharge their duties in good faith, with the care that a person in a like position would reasonably believe appropriate under similar circumstances.”
The Duty of Loyalty

According to the Guidebook, “the duty of loyalty requires directors to exercise their powers in good faith and in the best interests of the corporation, rather than in their own interests or the interests of another entity or person.”

The Duty of Obedience

The duty of obedience requires directors to follow the provisions set forth in their governing documents, and to ensure that the organization is complying with federal and state laws.

A Word About Affiliated Boards

Bars often have entities affiliated with them, such as foundations. Sometimes the entities’ boards are composed of entirely different individuals. Often, they overlap. In some cases, the foundation board is simply made up of the members of the association board. Board members who wear multiple hats should be aware that each is a distinct organization to which fiduciary responsibility applies, and board meetings, minutes and financials all must be kept separate.

Leading an Exceptional Board

Members don’t typically agree to serve on boards just to satisfy the minimum requirements. Most board members strongly believe in the mission of the bar, and want to contribute in a way that will substantially advance the association. So while governance has fiduciary responsibility as its foundation, there’s often much more that boards do to contribute to their associations.

In small bars with few or no staff, boards often are quite hands-on. Sometimes that’s necessary to get things done. But keep in mind that there are certain responsibilities that are primarily the board’s. So, if the board doesn’t make time for these responsibilities, they simply won’t get done. As president, it’s your job to help keep the board focused on its most important tasks.

Seven Primary Responsibilities of Boards

1. Define the organization’s mission.
   Who does the bar serve and what impact do we want it to have?

2. Plan for the organization’s future.
   How will changes in the lawyer population and in the practice of law affect our mission or the way we do business? What do we want our organization to look like in three years? In five years? In ten years?

3. Establish, monitor and strengthen the bar’s programs and services.
   What do we want our programs and services to achieve? Do our programs continue to have the impact we anticipated they would? Do we regularly adjust or eliminate programs that aren’t delivering enough value?

4. Provide financial oversight and long-term financial planning.
   Does our budget reflect our bar’s priorities? Are we planning for our bar’s financial future? Are we comfortable with our financial controls?

5. Serve as ambassadors to members and the community.
   Do we make the most of our opportunities to support and promote the bar?
6. Develop the board.
   Do we effectively recruit, elect and educate our board members? Do we periodically assess our individual and collective performance on the board? Are we adequately identifying and preparing future leaders?

7. Hire and support the executive director, and regularly assess his or her performance.
   If hiring, are we conducting a thorough and well-orchestrated search? Does the board articulate expectations of the executive director with one voice? Then, do we give the executive director the authority and resources he or she needs to do the job? Do we provide thoughtful, constructive feedback throughout the year?

Do you have a high-performance board?
- Consumed with today's issues → Focuses on what happens next
- Reactive board → Actively identifies desired outcomes
- Bogged down in minutiae → Focused on global issues
- Collects information → Uses information
- Deferential board → Board that values dissent
- Passive/Rubber-stamp board → Active/Informed/Strategic Board

THE EXECUTIVE DIRECTOR’S ROLE
Like the board’s role, the role of the executive director can vary substantially depending upon a bar’s size, type and culture. Generally, though, the executive directs the day to day operations of the bar, advises the board and other volunteer entities in areas of policy development and issues management, develops and implements programming, and works cooperatively with the board on the strategic planning and budgeting processes. Executive directors with few staff typically are more involved in doing the day-to-day work of the bar. They wear many hats, and may handle administrative activities such as meeting planning and maintaining membership rosters in addition to these other responsibilities.

The most important of the bar executive’s responsibilities is facilitating the work of the elected volunteers, and providing continuity for the association. The executive director can anticipate the opportunities and problems the association will face during the presidential year and offer valuable perspective and guidance.

INGREDIENTS FOR A SUCCESSFUL PARTNERSHIP
Trust and communication are the essential ingredients for a successful bar president-executive director partnership. As soon as you move into the chairs that lead to the presidency, make a lunch date with the executive director.

Executive directors have to adapt to a constantly changing set of personalities and priorities, and there is no substitute for early face-to-face meetings to discuss leadership styles, expectations, and communication preferences. Then, when the unexpected problem crops up, as it most assuredly will, you’ll be able to focus on how to address the problem and how to avoid it in the future.

Be mindful that running a bar association is nothing like running a law office or conducting a trial. Staff leaders in bar associations are professionals and specialists, just as you are in the law. Help your executive director do what he or she does best by focusing on what outcomes you and the board want to achieve. By doing so, you’ll also avoid micromanaging.

NEGOTIATING ROLES AND RESPONSIBILITIES
We often hear that the board is responsible for setting direction and policy and the staff is responsible for implementing it. This is useful to a point. There certainly are functions that fall into one camp or the other.

However, it often isn't black and white. Some boards - especially from small bars with no staff - implement. Some staff helps set policy. And with each new set of bar leaders the dynamic changes a bit.

A successful man is one who can lay a firm foundation with the bricks others have thrown at him.
—David Brinkley
Regardless of how well everyone’s roles are defined, it sometimes can be difficult to tell where one person’s decision-making authority ends and another’s begins. The executive director is your partner. Develop an honest and open relationship so that when gray areas emerge - and they will - you’ll be able to sort out everyone’s roles efficiently and cooperatively.

**WORKING WITH STAFF**

Bar leaders often wonder about their responsibility vis-à-vis other bar staff. Simply put, the board collectively is responsible for overseeing and evaluating the executive director’s performance, and the executive director is responsible for the rest of the staff. In most bars, the hiring, firing and management of all bar staff is the executive director’s responsibility.

As a bar leader, there may be occasions when you will need to work directly with other members of the bar’s staff. Must you run everything through the executive director? If it’s part of the working routine, probably not. But if in doubt, ask. Err on the side of caution, especially with any work that’s new, and run it by the executive director first. There may be time pressures or other circumstances affecting staff of which you’re not aware. In any case, there isn’t an executive director who won’t appreciate the consideration of an advance inquiry.

We can’t overemphasize the importance of volunteer support of the executive director’s authority with staff. Remember that every workplace has some conflict. Be careful to avoid becoming an avenue for employees to bypass the executive director. Instead, help staff understand and respect everyone’s roles by redirecting individuals with concerns to the appropriate member of the bar's management team. Serious staff grievances should be addressed as described in your bar association's grievance process.

**A FINAL WORD ABOUT THE LEADERSHIP TEAM**

One of the most challenging aspects of bar leadership is the degree to which your accomplishments as president are dependent upon the cooperation and commitment of others. Communication and flexibility with the other members of the leadership team will help you to lay a solid foundation, so that the presidential year will be a smooth and successful one.

Notes
1. “Fiduciary Responsibilities of Board Members” from BoardSource available at http://www.bridgespan.org/getattachment/a7adecb0-0b09-46ef-83bc-1d08ed32d67/Fiduciary-Responsibilities-Board-Members.aspx
3. Ibid., pp. 43-50.

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**The Staying-out-of-Trouble Checklist**

An informal survey of bar leaders illuminated some common sources of conflict within the leadership teams of associations. They are:

- Lack of responsiveness when a decision needs to be made
- Involvement in and/or micromanagement of staff functions
- Failure to consult other leaders (executive committee, board and/or executive director) prior to making a decision
- Forcing a personal agenda that is not a priority for the rest of the organization
- Making commitments that are not the president’s to make

Here are a few questions to help you avoid these situations:

- Am I responding to bar inquiries in a timely manner?
- Should I be involved with this issue? Is it an appropriate use of my time?
- Am I clear about staff’s role versus my own role relative to this issue?
- Am I making a decision with the appropriate level of input? Have I informed the individuals who need to be informed?
- Am I getting support for my ideas from people who I trust will be honest, critical and constructive?
- Are my ideas consistent with the larger objectives of the organization? Are the things I’m doing going to advance the strategic plan?