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**What Should Governance Look Like Now?**

## **Survey: Friction Intensifying as Today's Challenges Meet Yesterday's Governance Structures**

A recent distress call from directors of corporations may resonate with nonprofit board members as well: In a recent survey by the National Association of Corporate Directors, 73 percent of corporate directors feel that board work is more challenging than it was three years ago, and 36 percent said that the accelerating pace of business is one of the key impediments to board effectiveness. The association's CEO, Peter Gleason, notes that organizations are starting to feel friction between today's economic trends and the governance structures that were established centuries ago. The report says that today's board member needs to be a change agent, constantly scanning the environment and sparking discussion rather than passively reviewing and reacting to information that is presented to the board. In an interview with Mark Athitakis at [Associations Now](#), Gleason shares some key takeaways for associations and their board members.

## **Held in Contempt of Court, Wyoming Public Defender Sues Circuit Court over Heavy Caseload, Understaffing**

On November 20, the Wyoming Supreme Court will hear arguments in a case that may help illustrate the court funding crisis in that state and across the country. After being found in contempt of court for not taking new misdemeanor cases, Public Defender Diane Lozano filed suit against Campbell County Circuit Court and Judge Paul Phillips. The dispute began in May 2019, when Lozano refused to accept two misdemeanor cases; at that time, she said her office could not accept any misdemeanor cases in Campbell County because of a heavy caseload and understaffing crisis. The circuit court then held her in contempt, fining her \$1,500 a day until her Campbell County office resumed taking misdemeanor cases. The circuit court says there is only one issue at hand: whether it can hold a lawyer in contempt of court for ignoring court orders. What three issues did Lozano raise in her lawsuit? Find out at [wyomingnews.com](#).

## **\$20 Million in Tort Claims Filed Against Two Washington Municipalities That Employ a Judge Who Has No Law Degree**

Washington state law allows "lay judges" who do not have law degrees and can make all judicial decisions except hearing jury trials for towns under 5,000 people, and for those over 5,000 if the lay judge passed a qualifying exam prior to 2003. Now, two separate tort claims have been filed on behalf of a defendant who was recently sentenced to 90 days in jail by Airway Heights (Wash.) Court Commissioner Terri Cooper, whose role is that of a lay judge. One claim is \$5 million against Airway Heights, and the other is \$15 million against the city of Cheney, for which Cooper also works as a lay judge. The claims' ultimate goal is to spark a class-action lawsuit to reverse every fine and sentence that Cooper has made for both cities. In the past, both Cooper and the city administrator for Airway Heights have said that appointing a lay judge was a sensible decision and consistent with the law. The [Spokesman-Review](#) has more details about the tort claims and the underlying question of whether someone without a law degree should be allowed to serve as a judicial officer.

## Your Bar's Website: How Much of It Should Be Members-Only?

Many bar organizations opt to block much of their online content from anyone other than members. But does it really feel like a privilege if you have to remember or locate your password just to be able to read something? In a [post at LexBlog](#), Karen Korr raises this thought-provoking question about the wisdom of keeping so much information (other than anything that is understandably not for the public's eyes) behind a paywall. "Bars are (and want to be perceived as) forward-thinking thought-leaders, providing relevant information at the right time," writes Korr, a former bar communications director and now a consultant. "From a PR perspective, this works best if information is easy to find and access." Should your bar rethink how much of its online content is members-only and how much is open to everyone?

## Does Your Bar Spark Joy? Next Board Catalyst Webinar Offers Some 'Decluttering' Tips

Your sock drawer, your spice rack, that catch-all nook right by your front door. Maybe you've applied professional organizer Marie Kondo's decluttering techniques to these areas of your home. But what about your bar's portfolio of programs? Are there some things you need to let go in order to create space and spark joy among your members and community partners? In the next installment of the ABA Division for Bar Services Board Catalyst webinar series, bar association consultant Elizabeth Derrico will discuss how bar organizations can take a critical look at everything they do, keep the bar's offerings fresh and diverse, and ultimately create passionate brand advocates among their members. [Register today](#) (and take a look at upcoming webinar topics), and be sure to join us on December 11 at 2 p.m. Eastern time.



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