Summer is a time of idyllic frivolity. Consequently, I assume everyone is too busy playing on a Slip ‘n Slide® to read this editorial column. For the rest of the diehards in the audience who aren’t skipping straight to the meaty good stuff in the articles and currents, I want to take you through some of the important work being done by the Forum’s leadership.

According to the 2016 member survey for our beloved ABA Forum on Franchising, Forum members are generally satisfied with the actions and decisions of our Governing Committee. But our members are not equally satisfied with the Committee’s transparency over how those decisions are made. As a result, the Governing Committee launched a Transparency Initiative designed to open a window into leadership activities and provide insight into the smoky back room of the Forum.

In implementing the Initiative, the Forum has published demographic information about forum membership from the 2016 Member Survey.

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1. If you never thought it was frivolous, remember this: the tent pole holiday of the U.S. summer season is celebrated by blowing stuff up. And it was conceived as such from its inception. See, e.g., Letter from John Adams to Abigail Adams (July 3, 1776) (noting that independence day “ought to be solemnized with Pomp and Parade, with Shews, Games, Sports, Guns, Bells, Bonfires and Illuminations from one End of this Continent to the other from this Time forward forever more.”). Happy Independence Day!

2. Used solely for reference purposes; neither the ABA nor this Journal endorses any particular brand of lawn-based waterslide.

3. I’m simply going to assume some of you exist because my fragile ego couldn’t take it otherwise.

4. The most recent version I could get my grubby little hands on.

5. ABA Forum on Franchising, 2016 Member Survey Results 23 (2016).

6. Specifically, members ranked the Committee a 4.36/7 on “transparency in decision-making.”

7. Eric Karp, Message from the Chair, 20(4) Franchise Lawyer 19 (Fall 2017).

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released information describing pathways to leadership opportunities, explained how it chooses speakers for the annual meeting, detailed its finances to Forum membership, and described the Forum’s sexual harassment policies and procedures. We should all credit our out-going forum chair Eric Karp for making this a high priority. In short, the Forum has provided greater access to the wealth of information and guidelines that inform its decisions.

Now, on the one hand, “I’m just a simple man, trying to make my way in the universe.” On the other hand, most of the Committee’s venerated members have dedicated decades of work to advancing the cause of franchising and serving the Forum’s membership. I came to Forum leadership largely as a result of my passion for obscure academic franchise questions, and a zest for esoterica. Like many of you that rated the Forum low on transparency, I had no special insight about what happens behind the curtain. But a year on the inside has given me a chance to see the Committee’s work in action, and I’d like to shed a little light on it.

For starters, the Governing Committee requires semi-annual reports from every senior appointed leadership for every division, one for its winter meeting and again immediately before the Forum meeting. While the Committee members’ underlying discussions and reporting are confidential, the process is illuminating. Speaking for my own work, the Journal prepares a report to the committee that explains the status of the most recent issue, the pipeline of anticipated new content from authors, the topics of interest to forum members for future articles, efforts to promote the Journal and its mission, anticipated obstacles faced by the Journal, and a host of other information about the status of editorial board members and budgeting. The analysis requires a thorough workup that actually requires thought about the direction of the Journal, and the exposure of any flaws or weaknesses in its operations. And the other senior appointed leaders of each division provide a similar analysis of their own respective divisions. In short, the Forum is not stagnating on autopilot; there is a constant evaluation and evolution of processes, with improvements for members being the ultimate goal.

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10. Eric H. Karp, Message from the Chair, 21(2) Franchise Law. 1, 3 (Spring 2018).
11. Eric H. Karp, Message from the Chair, 22(1) Franchise Law. 3 (Winter 2019) (citing The Women’s Caucus Steering Committee, #MeToo at the Forum, 22(1) Franchise Law. 1 (Winter 2019)).
12. Jango Fett, Star Wars: Episode II—Attack of the Clones (20th Century Fox 2002). Please do not read anything into the fact that Jango Fett was actually a pawn in a far-reaching (and shady) bureaucratic conspiracy.
13. You are correct in assuming it is not because of my patently ridiculous writing style. But, just as with an illegal tying arrangement, you’re stuck with it as an upsold “feature.”
In addition, the Governing Committee spends a substantial amount of time at its winter meeting planning the annual forum meeting. While the methodology for the selection of speakers is covered at length elsewhere, the meeting entails far more than that. Topic submissions are debated for balance, interest, and available expertise. Meeting events are discussed and alternatives are evaluated. Spreadsheets play a heavy role in the process.

So what? Why does any of this matter? It matters because transparency is a foundational component of good governance. Forum members need information so they can hold their leaders to account for the work that they do, and feel confident in the programs that the Forum presents. The power to shine a light on decision-making processes is vested solely with leadership. But “With great power there must also come . . . great responsibility.” In my view, the great responsibility that has been bestowed by Forum members on leadership has not been taken lightly. From what I have seen, Forum leadership works hard to ensure the highest level of service, quality content, camaraderie, and professionalism. I hope that by spreading information about Forum activities, policies, and procedures through a multitude of channels we can improve membership opinions of transparency in the next member survey.

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14. This is, of course, in addition to the undoubtedly hundreds of hours of work our estimable Forum Co-chairs Bethany Appleby and K Whitner spent in preparing our annual meeting this year in Denver.
15. See, e.g., Karp, supra note 9.
16. See, e.g., Louis D. Brandeis, What Publicity Can Do, Harper’s Weekly at 10 (Dec. 20, 1913) (“Sunlight is said to be the best of disinfectants . . .”).