



The Newsletter of the National Association of Bar Executives • Fall 2005

Innovation and energy at top of winner's list

The winners of this year's LexisNexis Community & Educational Outreach Awards showed a wide range of ideas and innovation in their attempts to help educate the public.

The awards, which were presented at the NABE Annual Meeting, ranged from teaching librarians how to explain the law to library patrons, to helping to screen children for mental health issues. The NABE Board of Directors chose the winners.

The Missouri Bar, which won in the category of state bars with more than 18,000 members, was part of a team that developed a program to provide librarians throughout Missouri with free training and resources to help patrons who come to libraries looking for answers to legal questions. Missouri librarians are learning from a team of instructors that includes: a lawyer, a law librarian, a bar executive and an experienced general librarian.

"Like every other bar association, we provide libraries and the public with a series of public information brochures about the law. It occurred to us that we've never talked to librarians about how to use this information," said Jack Wax, media relations director.

"It's very stressful to be a librarian and to have someone come in with an emotionally charged legal problem. You want to help them, but you can't offer them legal advice," Wax said. The program helps teach librarians what to do in those situations, and how to direct people to the proper resources.

The cost to the Bar is minimal, basically covering travel expenses, Wax said. He expects the program to continue,

At the Indiana State Bar Association, which won in the category of state bar association with 18,000 or fewer members, the focus was on children with mental health issues.

The ISBA brought together more than 250 national, state and local leaders to address the vastly neglected needs of children with mental health disorders. Lawyers, judges, educators, doctors, counselors, law enforcement and court personnel, state office holders, and state and county policy makers attended the Children, Mental Health & the Law Summit.

The purpose of the summit was to explore the best ways to serve children with mental health needs before they come in contact with the judicial system as well as when they are in the middle of it, said JauNae Hanger, Immediate Past Chair ISBA Civil Rights of Children Committee.

“There is growing recognition that juvenile delinquency and the unmet mental health needs of children are linked,” Hanger said. “If you’re really going to deal with the numbers of children who come into the juvenile justice system, then you’re going to have to deal with the mental health needs of children.”

The summit led to the issuance of a report with recommendations that include routine screening of children for mental health issues once they enter the juvenile justice system, which some states do but Indiana does not, Hanger said.

The ISBA committee will follow up on the recommendations, she said.

The Allegheny County Bar Association took the issue of jokes and used it to educate children about the harm that jokes can cause if directed cruelly at others.

The ACBA, which won in the category of Local Bar Association with more than 5,000 members, set up a program “to try to head off insensitivity and bigotry by teaching children the differences between a good joke and a bad joke and how bad jokes can hurt your feelings,” according to the nomination form.

ACBA volunteer members go to classrooms to speak with children in grades K-5 about how jokes can hurt people’s feelings, said Tom Loftus, ACBA director of Media Relations/Public Relations.

“We felt the joke angle – where students bring their favorite jokes to the seminar – would help us teach serious lessons/messages in a fun environment. Our feeling is that all children like to tell jokes from an early age on,” Loftus said.

In the category of local bar associations with 5,000 or fewer members, the Hillsborough County (Fla) Bar Association developed a program that encouraged students at a poorly-rated elementary school to perform better in order to receive recognition and invitations to special gatherings, said Susan Sandler, former chair of the HCBA’s Community Liaison Committee.

The school’s main problem was that the children’s behavior issues were getting in the way of teachers being able to teach, Sandler said. Sandler and the committee came up with a program that rewards well-behaved children once a month with a party that features presentations from local institutions such as the zoo. Those students whose behavior earns them a reward every month get an additional gift, such as a gift certificate to a toy store.

Lawyers from the HCBA go the events and help the children with crafts projects and other activities, and also server as mentors. The school reports increased performance from the students.

The Toledo Bar Association's Color of Justice program won the award in the local bars with fewer than 2,000 members category.

"The program exposes students to the work of lawyers and judges and encourages the students to pursue law as a course of study," said Trish Branam, TBA executive director.

TBA worked with minority junior high schools students to expose them to role models who might encourage them to participate in the legal profession. The program included a mock trial, where attorneys played the trial participants and the students acted as the jury.

The TBA plans to repeat the program next year, Branam said.

Preview: 2006 New Years Resolutions

By Bob Harris, CAE

The 2006 resolutions focus on ways to enhance governance and management. Seeing the frustrations associated with hurricane devastation, surprise audits and flustered volunteers, each resolution is intended to protect and improve associations, chambers and other nonprofit organizations.

- **Sarbanes Oxley - Model for Improved Governance**

"My company says I can't serve on the board unless you comply with Sarbanes Oxley," said the board member. How do you respond?

Sarbanes Oxley --- the American Competitiveness and Corporate Accountability Act -- applies to for-profit, public companies. Some states are applying provisions to nonprofits. It can be a model for improving governance. Resolve to understand Sarbanes Oxley and to employ provisions for an audit committee, record retention and management affirmation, for example.

- **Develop a Board Commitment Form**

It is said that the number one lie told to nominees is, "You won't have to do anything when you get on the board." If that's the outlook of new directors, consider a board pledge or commitment form (also a requirement of Sarbanes Oxley.)

Resolve to develop a commitment form for board members. Include requirements from the bylaws and aspects of preparing for and attending meetings, avoiding conflicts of interest, and the importance of confidentiality.

- Identify new Books for Staff

Resolve to make reading and book discussions a part of staff professional development. Budget for buying books each year. Encourage staff to read and hold a monthly luncheon book discussion.

- Protect Intellectual Property

Most associations and chambers create original works that should be protected, along with their logo, name, service and trademarks. An original work may be a certification manual, a compliance guide, a unique map, or a book of best practices, for instance.

Resolve to protect the intellectual property and marks belonging to your organization. Properly transfer original works from the creators (i.e. graphic artist, committee) to the organization. Protect documents with the copyright symbol, use of watermarks and footers, and notice of confidentiality --- and register the marks, phrases and names associated with the organization.

- Protect Software Licenses

The treasurer says, “I’d prefer you use my software to create financial reports.” The staff installs the treasurer’s preferred software without giving thought to the license agreement and consequences. Months later the “software police” drop by your office and find unlicensed software on several computers. The fines can exceed hundreds of thousands of dollars.

Resolve to protect software licenses and limit the installation of unlicensed software.

- Develop a Values Statement

Every board and staff member has values – yet few have discussed and committed them to writing. Stakeholders deserve to know an organization's values or core principles.

Resolve to identify and promote the organization’s core principles in a values statement to supplement the mission statement. Avoid adding values to the mission statement or bylaws --- create a distinct values statement (not to be confused with a member “values proposition.”)

- Endorsing Programs and Services

“I make a motion we endorse the service,” says an eager board member. By a show of hands the motion passes and now your organization appears to be in partnership with a for-profit company. The motion passed without due diligence and research.

Many organizations have “preferred providers” or affinity programs that offer services and generate income. Yet few boards have an understanding of the process or policy for making endorsements. Resolve to identify the best-practices and risks associated with endorsements to recommend a policy to your board.

- Be Prepared for Disaster

Resolve to create an emergency notebook stored offsite. If your office is destroyed --- returning to service will be easier if you have safeguarded critical documents. Staff must know that the “red emergency notebook” on the shelf is to be evacuated with the last person leaving the building.

Keep one copy with your CPA and another at the executive director’s home. Include the IRS Letter of Determination, Articles of Incorporation, Bylaws, Insurance Information, Member Records or Backup, Data Backup, Strategic Plan, IRS Application for Exempt Status, Disaster Communications Plan --- and other items that could take months to reconstruct if they were destroyed.

- Adequate Reserves

Ever hear the board say, “It’s the members’ money and we should not hoard it – let’s spend it down!”

Some boards don’t understand the reason for building a reserve. Imagine being in a community hurt by disaster and members declaring, “I’m sorry, we cannot pay dues this year.” Resolve to build a reserve equal to 50 to 100 percent of the annual operating budget so the organization can survive at least six months in case of disaster.

- Promote the Impact of Associations - Chambers

Since the 1700s associations and chambers have been crucial in building communities. Today, more than a million volunteer boards improve standards, provide education and enhance quality of life. While most Americans belong to several organizations, few people understand the collective impact of associations and chambers. Resolve to brag about your organization’s rich history, achievements and goals.

Bob Harris, CAE, promotes efficient nonprofit management and enhanced board training. His website offers free tips and templates at www.nonprofitcenter.com to support many of the 2006 resolutions.

Tech talk: Be careful out there

**By Dan Kittay
Owner, Kittay New Media**

Many people believe the Internet, and specifically the Web, is going through a critical time these days. I happen to be one of them. While people have gotten used to doing things like shopping online or conducting research or downloading music files (you do pay for yours, don’t you?), an increasing number of attacks by malicious software (written by malicious people) threatens the security of e-commerce and, by extension, people’s confidence in using it. This is a concern for all of us who use the Web.

Viruses, worms, Trojan horses and the like used to be known mainly as inconveniences that might slow down a network, or clog an e-mail box, or even erase some files. But

these and other mechanisms are increasingly being used by criminal elements to target computers, for things like identity theft, password retrieval, and taking over computers so they can be used for spamming or other illegal activities.

Your computer can be used without your ever knowing about it. Where older virus writers used to take pride in letting you know somehow that they had invaded your system, those who want to use it for stealth purposes now go to lengths to disguise their efforts, even causing the software they load on your computers to change itself periodically so it's harder to be traced.

So maybe now you're thinking that it's time to unplug your computer from the Internet and go back to phone calls and faxes. That's not necessary, of course, but some common sense and a little pre-emptive work can make your Web safer, and by extension mine and everyone else's. You can't stop people from writing malware, but you can take some steps to help prevent its spread.

- Install virus protection, firewall and spyware protection software, and keep them up-to-date.

Any time you're online, you run the risk of being exposed to software that attempts to attack your computer. It can come from an e-mail, or a visit to a Web site. Make sure you have all 3 of the types of software listed above, and update them regularly. If you connect to the Net through your internal network, make sure your IT staff keeps all that software (and hardware) up-to-date. If they are not current, they won't be able to stop the latest variations.

- Never click on a link or open an attachment in an unsolicited e-mail.

Any reputable bank or company that you do business with will never send you an e-mail that requires you to click on a link in order to fill in "missing" information, such as your password or Social Security Number. These phony e-mails are known as "phishing," and are attempts by criminals to get your private information. Even if you see a link in an e-mail that looks legitimate, it can still take you to a fake Web site that resembles the one that the real company operates. If you want to go to the real Web site, type in its address in your browser and go there directly. And while some malware doesn't require that you open an attachment in order to infect your system, some does, so never open attachments unless you know what they are. If you're not sure, ask the person who sent it before opening it.

- Always install the latest patches for your system.

Whether you use Windows, Mac or another system, always keep it up-to-date with the latest security patches. The time you take to install them could save you many headaches later, and prevent you from spreading harmful software to other users. Same thing for your IT staff. While it's time-consuming to keep on top of the latest patches, and perhaps have to restart servers, it takes less time to do that than to recover from some disaster

caused or spread by out-of-date software. Be sure to give your IT staff time to build in those efforts into their schedules..