

Guide: Bringing an Action Item to the WSBA Board of Governors

Instructions

Purpose

The purpose of this guide is to support you in the process of developing a project, proposal or a potential action item that may come before the WSBA Board of Governors. These instructions detail which information to gather, prompting questions to support your project planning and preparation, as well as areas in which WSBA staff will provide analysis.

Timeline & Process

Review this entire guiding document when *first* considering developing potential action to be considered. Determine which areas need more attention as these may take more time to complete.

The WSBA President determines the agenda for each Board of Governors meeting. The process of preparing to bring a topic to the WSBA Board of Governors can take time. Be sure to consult with Bar staff who perform the risk, financial and equity analysis early on in your process, prior to drafting your memo, so they can help guide you if needed.

When you believe you have addressed all areas of the guide and template; please submit your topic to the President and Executive Director by the Board Meeting Materials deadline. It is very important to submit complete materials by the deadline. *Materials should be inclusive of the below analyses by the stated deadline.* All possible agenda items will be reviewed by the President, who may seek guidance from the Board of Governors Executive Committee. The dates and times for all Executive Committee Meetings are posted online. The WSBA President may add an item to the agenda, suggest the topic be reviewed by a Board standing committee such as Budget and Audit, suggest gathering additional information or community feedback, or decline to take up the item.

In accordance with the WSBA Bylaws, only Bylaw amendments require a first and second reading. The Board of Governors may, however, discuss any topic at multiple meetings before taking action.

Information about the Board of Governors, the BOG standing committees, and the BOG meeting schedule and deadlines are available [here](#).

Format

View the BOG Action Item [memo sample](#) and [template](#) to use when ready to submit your materials. You will note that the template contains prompting questions. These questions do not all need to be answered; they are intended to guide you in providing sufficient information for the risk, financial and equity analysis and ultimately for the Board of Governors to take action.

Complete materials should include a final cover memo (limited to 1-2 pages unless otherwise necessary) that is free of red-line edits/errors and ready to be included in the final published materials. Additionally, all analyses should be addressed in the memo, even if only to acknowledge that the ‘analysis resulted in no additional input or impact on the matter.’ The cover memo should be use Calibri size 11 font, 1.15 paragraph spacing, and “justified” paragraph alignment.

Role of BOG and Staff Liaison

Your primary partner through this process (in addition to the other individuals or groups you may be working with) is your staff liaison. The staff liaison can help address or research answers to some of the prompting questions. Additionally, your staff liaison can work with the Office of General Counsel, the Finance and Administration Department, and the Equity and Justice Team for the areas requiring analysis. If the staff liaison is not a department director, the staff liaison's respective department director will also be informed of and should review the cover memo prior to submission. Additionally, It is highly recommended that you keep your BOG Liaison informed and updated about this project as well so they can be source of information during the BOG discussion.

If you are unsure of which staff member to inform and/or work with on this topic, please email Volunteer Engagement Advisor (parise@wsba.org) for additional guidance.

Provided below is more detailed information regarding the various areas to be addressed in your memo including: *Introduction, Background, Community Input, Risk Analysis, Fiscal Analysis, Equity Analysis and Attachments.*

Content

Introduction

Summarize the problem and the proposed solution in the first paragraph(s). Please be as concise as possible.

Prompting Questions:

- *What is the problem we are trying to solve?*
- *How is the solution expected to solve the problem?*
- *What does success look like and how will we measure it?*
- *What are the suggested next steps?*

Background

Provide the procedural background as well as any supporting data or information in this section.

Prompting Questions:

- *Describe the proposing entity and any relevant policies, procedures, rules or court orders that impact this decision or grant authority to take action.*
- *Has the request recently come to the Board? If so, what has been done since then? Did the Board request additional information or community input? If so, how was the addressed and how has the proposal changed?*
- *Historically, has WSBA ever taken a position on this issue/had a program to address this? What was it? Has anything changed since then?*
- *How did you learn about the problem? What data or information supports the existence of a problem?*
- *What steps have been taken to arrive at the proposed solution? Were any alternative solutions considered and why were they rejected?*
- *Have you considered the issue through an equity lens? How has that informed your understanding of the problem and/or the proposed solution?*
- *Any barriers to the proposed solution? How will they be addressed?*

Community Input

Summarize the outreach to and response from communities in this section. When conducting community analysis, consider groups who will be impacted by the outcome, may want to influence the outcome and who may be a proponent or opponent to the topic.

Prompting Questions:

- *Who will be most affected by this decision? In particular, consider which groups who are underrepresented or marginalized might be most impacted by this decision (e.g., people with disabilities, people from the LGBTQ community, people of color, women, transgender and non-binary people).*
- *How did you meaningfully involve these groups in your process and decision-making?*

Analysis

When done in a timely manner, the analysis may help inform the development and refinement of your action item. Additionally, the analyses can help provide the Board of Governors additional information to assess risk and impact to the organization when reviewing your matter. It is possible to amend your action item in response to the analyses or to leave your action item as is.

WSBA Risk Analysis

This section will contain information provided by the Office of General Counsel (OGC), with input from the proposing entity or individual. When ready, a staff liaison can email OGC a request for a risk analysis. This request should contain your initial responses to the following questions (also listed above in the *Introduction* and *Background* prompting questions).

- *What is the problem we are trying to solve?*
- *How is the solution expected to solve the problem?*
- *Has the request recently come to the Board? If so, what has been done since then? Did the Board request additional information or community input? If so, how was the addressed and how has the proposal changed?*
- *Historically, has WSBA ever taken a position on this issue/had a program to address this? What was it? Has anything changed since then?*

Based on an initial review of the topic; the Office of General Counsel will provide an estimated time frame in which the risk analysis will be completed. Additionally, the Office of General Counsel may need to provide information attorney-client privileged information and may not be included in the final memo.

General Timing:

For new/novel topics: 30-60 days (timing may vary depending on topic)

Current Programming/topics: 2-4 weeks

WSBA Fiscal Analysis

This section will contain information provided by the Finance Department, with input from the proposing entity or individual. When ready, a staff liaison can contact the Finance Department and request a fiscal analysis. This request should contain your initial responses to the following questions:

- *Is a similar project or program already in the WSBA budget?*
- *If implemented, what is your estimated budget for the project?*
- *If implemented, will this project require staff time?*

- *Is this a new technology? Have other similar technologies been explored?*
- *If implemented, will this project save the WSBA money?*
- *Would this project bring in any revenue?*

Based on an initial review of this topic, the Finance Department will provide you an estimated time frame in which the financial analysis will be completed.

General Timing: 30-60 days

WSBA Equity Analysis

The purpose of the equity analysis is to understand how entities incorporated an equity lens into the action items presented to the Board of Governors. An equity lens is 1) identifying and centering people and communities most impacted decisions and/or 2) meeting people and communities according to their specific needs to produce fair and equal outcomes for all. Please answer the following questions so the Equity and Justice Team can do an comprehensive equity assessment.

- ***IMPACTED GROUPS:** Please describe the direct and indirect impacts of 1) the overall work of your entity and 2) this specific action on the categories below. If you do not believe the action has a direct or indirect impact on any of these categories, please explain why.*
 - *The general WSBA membership*
 - *WSBA staff*
 - *A subgroup of WSBA membership (e.g. LLLTs, family law practitioners, Minority Bar Association members, legal professionals from specific marginalized and underrepresented communities)*
 - *Members of the public in need of legal services (if applicable, please include specific client communities)*
- ***PROCESS:** How did you collaborate with impacted groups identified above? How did you integrate input or leadership from impacted groups into this project or proposed action? If you did not collaborate with or integrate input from impacted groups identified above, please explain why. What resources do you need to sustain relationships with impacted groups? If you do not plan to sustain relationships with impacted groups, please explain why.*
- ***OUTCOMES:** What are the intended outcomes of this specific action? Are there potential unintended consequences? Of the impacted groups outlined above, who benefits most from this action? Conversely, are there groups who may be burdened?*
- ***EVALUATION:** How will you measure the impact of the action, including unintended consequences and disparities among impacted groups? What resources do you need to evaluate the impact of this action and track any unintended consequences or disparities?*
- ***FUTURE LEARNING:** Learning to lead with an equity lens is an ongoing process. Please reflect on how you might improve on how you collaborate with impacted groups for future projects and actions. What additional trainings or resources would be helpful to your entity to improve in this area?*

General Timing: 30-60 days

Attachments

List any attachments here.

Last Updated: September 2023