



This narrative accompanies the REFOCUS 20/20 Plan Overview to provide context to current and future leadership, boards, and staff in adopting and implementing this plan. Within this narrative, boxed text in bold sets forth the plan elements for adoption recited in the Overview, and the remaining text is for context.

Background

The Colorado Bar Association (CBA) is 119 years old in 2016. It is one of 18 voluntary state bar associations in the country, and is unique in the West in that regard. Approximately two-thirds of attorneys instate belong to the CBA. It is financially strong and respected by its peers and key stakeholders.

The CBA has a history of adding programs with differing agendas of new leadership every year. This has led to the CBA staff managing about 100 different programs and projects. Every program was someone's good idea at the time, but in the eyes of many, the CBA is trying to be all things to all people, or a jack of all trades. Combined with a bit of a bureaucratic structure, the CBA may not be well positioned to evolve to meet the rapid changes in the profession and society without being strategic. The CBA needs a strategic plan that refocuses all aspects of the organization on common goals to successfully navigate the future, remain relevant, and meet the future challenges facing our profession.

President Charley Garcia (2014-2015) began a strategic planning process in the summer of 2014. After long-time Executive Director Chuck Turner announced his retirement, the process was suspended until a new executive director was hired, up to speed, and involved in the process. The process was restarted in earnest in spring 2015 with the retention of a professional meeting facilitator and strategic planner, Susan Spero, and the appointment of a Strategic Planning Coordinating Committee (SPCC): Nicole Black, Ben Currier, Charley Garcia, Dana Collier Smith, Loren M. Brown, Jake Eisenstein, Patricia Jarzowski, Chris Bryan, Patrick Flaherty, and Greg Martin. The thoughtful and arduous work of the members of the SPCC is greatly appreciated.

The SPCC embarked on a 10-month iterative process. For an organization not used to strategic planning, the process needed to be as important as the end product. One of the most important aspects of the planning process involved seeking and obtaining stakeholder input regarding the future of the CBA.

During his annual presidential visits to local bar associations, President Loren M. Brown (2015-2016) held 27 town hall meetings across the state for strategic planning input. The 155-member Board of Governors held small group break-out sessions over two meetings a year apart and was formally surveyed. The Young Lawyers Division was consulted in retreat format. The staff gave input through three dedicated all-staff sessions and countless individual meetings. Other state bar associations, Colorado professional associations, and key stakeholders were consulted along the way. Ultimately, a first-ever strategic planning survey with objective and subjective questions was sent to all members in January 2016. The response rate was more than double the goal. The SPCC met for a dozen half-day meetings to process input and develop the plan.

Consensus, if not unanimity, arose through the process. This plan is not revolutionary; it is evolutionary and introduces the concepts of change and focus to the CBA. It prepares the CBA for change. The name and theme for this plan are the acronym of its seven strategic goals and the time horizon: REFOCUS 20/20.

Mission

Mission statements are common with associations and nonprofit organizations. They state a reason for being. They are a brief statement that includes some of the "who, what, why, and how" of an organization. They should be brief and memorable.

Presently, the CBA does not have a board-approved mission statement. It has a lengthy statement of objectives in its bylaws drafted for legal reasons to include the broadest scope of what the CBA could do. This simpler mission statement does not supplant the statement of objectives in the bylaws, but guides the CBA in the intermediate term.

Mission Statement: We are an association that advances members' practice, supports the justice system, and enriches our community.

Values

Values in a strategic plan are a concise list of what the organization stands for and serve as its moral and philosophical guide. They are the “how” of what an organization does. They permeate programs, guide decisions, cause a collective concern when violated, and they are the last thing an organization gives up. These values helped frame the strategic goals and will guide their implementation through action steps. The CBA has not previously stated its values.

Values: We are Strategic, Inclusive, Professional, Effective, Inspirational, Innovative, Member-focused, and Ethical.

Vision Statement

A vision statement is a forward-looking picture of where and how we want the organization to be, what we want to be doing, and how we want things to look when the plan concludes. The statement should be easy to understand and should inspire excitement among stakeholders. A vision statement serves as a goal post to help guide the organization. The CBA has not had a vision statement in modern history.

Vision Statement: The Colorado Bar Association will be the leader in providing members throughout the state with the tools to be successful, a community within which to build relationships, and the focus to successfully navigate the future.

Strategic Goals

The strategic goals for the CBA are listed below with context. Some potential action steps for each goal are also listed. Actions steps implement a goal. They are developed, refined, and submitted over time for the appropriate approval once the goal is set. It will typically take governance action steps to be adopted by the Executive Council or Board of Governors, and management or operational actions steps adopted by staff to fully implement goals.

R: Recruit and Retain Members

Goal Statement: Recruit and retain members by improving messaging and marketing as to value, by emphasizing member engagement and enhancing their experience, and by actively recruiting members, including outreach beginning in law school.

Context: The CBA is a voluntary bar association that depends almost exclusively on member dues for income. Its ability to fulfill any portion of its mission, or to represent and serve members depends on recruiting and retaining members.

There was a time when members joined bar associations because “it was the thing to do” upon graduation, and employers were more likely to pay dues. Society and the profession are changing. There is more competition for available resources and fewer firms cover dues. Newer generations of attorneys want to see value and be asked to join. Even before admission of law students to the bar, the CBA has value to offer them, even though they are not yet reached effectively. With existing members, retention is tied to seeing and being engaged in that value. However, paths to engagement within the CBA can appear convoluted and daunting.

Many members throughout the state report not knowing what the CBA does and are prone to not renew. When asked what programming they wished the CBA offered, many listed activities or services that the CBA already offers. These present clear challenges for our communications and marketing and an opportunity to effectively brand the association.

Dues may also be an issue in member recruitment and retention. The CBA dues structure contains sharp increases between some levels. Disparities in income are increasing among lawyers in different settings, and other bar associations focused on substantive areas and identity have emerged. The CBA should consider reviewing its dues structure, the basis on which it charges dues, and consider the effect of belonging to multiple bar associations.

The CBA needs to emphasize recruiting and retaining members. This includes improving communications and marketing to clearly and simply show value. We should actively recruit and retain members with a focus on improving member engagement and enhancing their experience.

Potential Action Steps

Potential Board Action Steps

- Consider income-based dues and alternative dues structures.

Potential Staff Action Steps

- Clearly and simply promote value in marketing and communications. Update the website, increase social media, and focus on branding.
- Consider dedicated recruitment and retention position and programs, including in law school, consider return on investment, and better track membership.
- Establish and promote clear paths to engagement, even micro-engagement, to improve customer service and member experience.

E: Engage Under-Represented Populations

Goal Statement: Engage under-represented and statewide populations by improving and ensuring their inclusion at all levels of the CBA, by building symbiotic relations with specialty bars, by using technology to better reach members statewide, and by strengthening local bar associations.

Context: To truly represent the profession, the CBA must reflect it as to gender, race and ethnicity, sexual orientation and identity, and other traditionally under-represented populations. The newer generation of attorneys knows institutions that are diverse and inclusive, and they will tolerate nothing less. The CBA has made progress with diversity in leadership, but continued progress depends on a diverse membership and leadership pipeline. We do not know how diverse the CBA membership is, and the state does not know the diversity of its licensed attorneys, but the profession overall is one of the least diverse. For the CBA to be diverse and inclusive, sustained efforts are required. These include knowing where we are, addressing barriers, valuing and welcoming diverse people, and providing training to avoid implicit bias.

One approach involves specialty bar associations. There are functions they can perform better than the CBA. The specialty bars are a complement, not competition, to the CBA, and diversity does not need to be re-created. Building symbiotic relations with, and learning from, specialty bars will help make the CBA inclusive.

In a state like Colorado, diversity is a geographic issue as well. If we claim to represent the state, then we should reflect it in its entirety. Though we are still gathering data, even if we are not under-represented in rural areas, we are seen as too “Denver-centric.” This is an issue that is faced by the CBA at all levels, including committees and sections. In reality and perception, we need to improve statewide member engagement. The most efficient and effective method is through better use of technology.

The CBA has a rare relationship with local bar associations as compared to other states. We are one of just two states to require members to belong to a local bar in order to belong to the state bar. As a result, local bar associations are not competition to the CBA, but collaborative partners in addressing issues. Many Colorado attorneys want “the bar” to address issues, and they don’t care about levels. Moreover local bar associations are a step to the CBA for both members and leaders, and their leaders can be our ambassadors. It is in the interest of the CBA and its members to strengthen local bar associations.

Potential Action Steps

Potential Board Action Steps

- Value and monitor diversity and inclusivity. Consider goals.
- Develop and maintain relations with specialty bars. Consult them on appointments.
- Consider an altered dues structure for members of specialty bars.
- Consider a Rural Initiatives Committee.

Potential Staff Action Steps

- Track and report on diversity at all levels. Compare data when possible.
- Identify and address barriers to diversity, prioritize and reflect diversity, and provide training.
- Consider collaborative programming with specialty bars and other supportive efforts like membership record maintenance.
- Maximize technology (mindful of current facility limits) and work with sections to improve statewide reach.
- Develop programs and projects for strengthening local bars, mindful of past efforts and impact.

F: Facilitate Access to Justice

Goal Statement: Facilitate access to justice by continuing pro bono coordination and advocacy efforts, and by continuing emerging programs to promote and educate members on methods to feasibly serve people of modest means, all while monitoring developments.

Context: There is consensus that the CBA has a role in addressing and facilitating access to justice both among the indigent and people of modest means. Indigent litigants cannot afford attorneys, which is the focus of pro bono efforts. Modest means litigants represent a wide spectrum of litigants. Many are in a financial position where they cannot qualify for a pro bono appointment, but at the same time cannot afford to hire attorney. Many others within the modest means population can gather enough resources to work with an attorney on a limited basis, but cannot afford representation from start to finish. This has led to what many refer to as the “access to justice gap.”

Programs for the indigent include clinics and pro bono representation, both of which are more charitable in nature. Programs for people of modest means are less about charity. Rather, they involve many different avenues for access, including but not limited to, promoting and educating attorneys on modest means business models, promoting the use of unbundled legal services, and promoting the use of alternative fee models that allow attorneys to more feasibly serve people of modest means. The CBA is already pioneering this area. This area of programming is evolving nationwide and developments should be monitored.

Potential Action Steps

Potential Board Action Steps

- Monitor developments with access to justice, especially serving people of modest means.

Potential Staff Action Steps

- Continue coordinating and advocating for serving the indigent.
- Continue emerging programming with support of unbundling, modest means business models, and pilot programs with Self-Help Resource Centers and peer mentoring groups.
- Work with local bars to continue to coordinate and promote access to justice programs and initiatives.
- Monitor developments with serving people of modest means, including technology.

O: Optimize Sections

Goal Statement: Optimize sections to increase their value and effectiveness, train leaders, establish best practices, and help promote participation from under-represented, new, and statewide members.

Context: Approximately two-thirds of CBA members belong to at least one section. They are where many members of the CBA find value and engagement. Sections provide resources for substantive knowledge, networking, and other benefits. Sections represent a great opportunity for the CBA to increase the value for members.

Many sections within the CBA function well, deliver great value, and are otherwise aligned with the CBA. Members who are fully engaged with their section(s) of choice report the greatest satisfaction with the CBA.

In the past, the sections have not communicated well with each other regarding best practices, alignment with the CBA, connecting with sections members, or studying the ways in which members' experiences can be improved. The CBA staff works hard to offer support to sections, but are often challenged by the different policies and procedures of the different sections.

The sections are a primary vehicle for delivering value to members. Just as the CBA as a whole is refocusing its efforts related to messaging, marketing, and branding, sections can also benefit from improvement in those areas. Related to Goals R, E, and U, sections must find a way to better engage diverse and new attorneys, promote the value of sections, and improve geographic outreach.

Potential Action Steps

Potential Board Action Steps

- Establish a best practices committee designed to facilitate communication between the sections and the CBA.
- Establish an ad hoc committee on sections to study and make recommendations on improving the value of sections.

Potential Staff Action Steps

- Consider additional staff support for sections.
- Develop training for section leaders on best practices.
- Improve technology for statewide participation.
- Market and promote sections.
- Measure, track, and report on member satisfaction.

C: Continue Core Programming

Goal Statement: Continue core programming in the areas of law practice management; leadership development; legislative policy; public legal education; publications including *The Colorado Lawyer*; and protecting merit selection.

Context: Many programs area of the CBA function well, are valued by members, and are core to the CBA. They include law practice management; leadership development; legislative policy; public legal education; publications including *The Colorado Lawyer*; and protecting merit selection. They do not necessarily need additional resources, but a failure to include them within a strategic goal might incorrectly imply that these programs are in danger. All programs and projects deserve periodic strategic reviews as outlined in Goal S.

Potential Action Steps

Potential Board Action Steps

- With periodic updates from staff, the Boards will monitor and evaluate programming and specific projects consistent with the strategic values.

Potential Staff Action Steps

- Continue to maintain and improve core programming with the application of the strategic values.

U: Utilize New and Young Attorneys

Goal Statement: Utilize new and young attorneys by integrating them throughout the organization.

Context: New and young attorneys are the future of the CBA. Unfortunately, they do not join at the rate of earlier generations. Beyond directing improved recruiting efforts toward them, new and young attorneys need to feel at home, be engaged, and be integrated throughout the organization. We should not rely on the YLD alone to engage these attorneys.

Potential Action Steps

Potential Board Action Steps

- Empower the YLD to advise on integration rather than just relegate tasks to it.
- Monitor new and young lawyer engagement, especially leadership. Consider goals.

Potential Staff Action Steps

- Create, identify, and promote opportunities for engagement by new and young attorneys.

S: Strengthen Governance and Operations

Goal Statement: Strengthen governance by adopting nonprofit and association best practices and revise governing documents to address streamlining, board engagement and utilization, and appropriate roles. Strengthen operations by incorporating the values of being strategic, professional, effective, and innovative into program review and development.

Context: As the CBA refines and improves its external programming through the goals above, it should also improve internal governance and operations.

With three levels of governing boards ranging from the Board of Governors (155 members), to the Executive Council (21-members), the “Triumvirate” (3 members), the governance structure may suffer at times from being both far too large and far too small in relation to comparable bar associations and nonprofits. Combined with infrequent meetings, this structure hampers board engagement and utilization, and restricts the nimbleness of the CBA. As a part of this process, the bylaws should be reviewed and potentially revised to comport with the best modern practices among staffed associations and nonprofit organizations. To be as effective as possible and follow the best practices, the CBA needs to understand the difference and fully function as to both governance and management/operations.

Operationally, the structure of the CBA has encouraged the addition of programs each year. However, these programs and projects are rarely evaluated. With more than 100 programs, the CBA risks its core identity and becoming “all things to all people.” Programs should be aligned with the strategic goals; they should be periodically evaluated against the best in the legal and nonprofit profession; effectiveness must be assessed and considered in program improvement and continuation; and the CBA should strive to be innovative. These are the core values of this plan not addressed in other goals.

With data on program cost and impact, the SPCC engaged in an initial strategic program review and made recommendations to staff for specific programs and projects within program areas. Staff will further consider and refine this input with ongoing periodic reviews to improve, reduce, or eliminate programs and projects not meeting strategic values.

Potential Action Steps

Potential Board Action Steps

- Evaluate governance structure, particularly the role and engagement of the Board of Governors, Executive Council, triumvirate, and president. Consider a governance review committee.
- Consider revision of governing documents to conform with nonprofit and association best practices.
- Adopt and apply strategic criteria and values to programming decisions. Consider a program review committee.
- Ensure nomination of future leadership to implement plan.

Potential Staff Action Steps

- Periodically conduct thorough program reviews to ensure compliance with strategic priorities, to ensure compliance with the best professional practices among associations and nonprofits, to assess impact and effectiveness in relation to efficiency, and to ensure innovation.
- Use these values and processes to improve programming.
- Incorporate continuous learning into programs.

Time Horizon

With its adoption in spring 2016, this REFOCUS 20/20 Plan shall guide the organization through June 30, 2020. Current and future officers, directors, management, and staff of the CBA shall implement this plan through its duration. Staff and governance shall develop their respective action steps to implement this plan, and shall report thereon. Though this plan is flexible, circumstances may warrant changes. This plan may be amended only by the Executive Council or Board of Governors. Future officers of the CBA are expected to implement this plan and keep the CBA strategically focused. The nominating committee is directed to consider this as it nominates officers.

What is Not Included

Continuing Legal Education in Colorado, Inc. (known as “Colorado Bar Association CLE”) and the Colorado Bar Foundation share names with the CBA and are related, but are separate entities with separate governing boards. They are not within the scope of this plan. Though separate processes, these organizations may engage in strategic planning and consider better alignment with the CBA.

Future Steps

Once this plan is approved, the boards (potentially through committees) and the staff will develop, seek approval as necessary, and implement action steps over time to effectuate the goals. Staff will also develop assessment tools for tracking and reporting on progress.

Obstacles may arise, or we may better assess a changing environment. This plan is flexible. Staff may propose amendments to be approved by the boards.