

# **BBA PUBLIC SERVICE POLICY**

## **REVIEW CRITERIA**

The BBA maintains a standing Public Service Committee to review prospective public service projects and further the “service to the community” prong of the BBA’s mission.<sup>1</sup> The committee is composed of BBA members, appointed by the BBA president, who have demonstrated dedication and knowledge in the areas of pro bono and community service. The committee should apply a progressive standard of review to Public Service Proposals considering the following criteria outlined in the attached, “*Roadmap of a Public Service Project*”:

### **1) Establishing a demand for proposed service**

Any activity using the BBA name and resources must support the mission of the BBA. However, the organization should scrutinize one step further: the BBA should not undertake a public service activity in which there are not clearly defined goals and outcomes. The talents of BBA members are a scarce commodity that should be directed only where there is a clear community need.

### **2) Identify program needs and available resources**

BBA Public Service activities are funded through a grant from the Boston Bar Foundation. This grant provides for a full time director, half-time assistant, and direct costs associated with the administration of the activities. Resources are finite and the addition of a new initiative offsets resources that could be dedicated to existing projects.

Since the BBA is not equipped to administer a large number of projects internally, collaboration with outside groups is generally critical to success. However, when a new public service initiative involves “partnering” with an outside entity, the reviewing body should employ a level of scrutiny relative to the BBA’s existing relationship with that organization. When the outside entity is an affiliated organization or enjoys a history with the BBA, one should use a presumption that the entity meets a basic due diligence standard. The recently adopted BBA Education Committee’s policy on cosponsorship lends additional guidance to this issue. A successful model for BBA Public Service leverages the BBA’s resources and reputation within the Boston legal community. BBA resources recruit and train volunteers and provide technical consultation to a project. BBA reputation helps develop a solid foundation of political support. Outside legal service organizations or other nonprofit organizations are best suited to conduct the day to day administration of projects.<sup>2</sup>

In the area of resources, exposure to conflicts or other ethical/liability issues must be anticipated well before launching any new project. Failure to do so, could be fatal when attempting to

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<sup>1</sup> To advance the highest standards of excellence for the legal profession, to facilitate access to justice, and to serve the community at large.

<sup>2</sup> Example: In the winter of 2005, the BBA Litigation Section sponsored a program on Children’s Supplemental Security Income (SSI) cases. People that attended a training session agreed to take on a *pro bono* SSI case through VLP. VLP already had an administrative structure in place, so this initiative involved training and recruitment of volunteers- something for which the BBA is exceptionally well-suited.

recruit volunteers. Volunteers are hesitant to assume liability exposure. The BBA does not extend malpractice coverage to volunteers in its public service programs. Often, legal service organizations extend malpractice coverage to volunteers. In the absence, volunteers (or their firms) must be responsible for their own coverage.

Finally, any anticipated fundraising component must be flagged very early in the process. The Boston Bar Foundation (BBF) is the exclusive fundraising affiliate of the Boston Bar Association. Thus, the BBF and the BBA will not raise funds for outside organizations.

### **3) Identify internal and external stakeholders**

Anyone proposing a new public service endeavor should identify any internal and external stakeholders, including BBA Sections, public service providers, and other bar associations. BBA staff and the BBA Public Service Committee should further investigate stakeholders before a project is presented to BBA leadership. At an early point, it is important to consider whether elements of the project already exist in an area organization. Given the enormous local nonprofit universe, it is possible that someone else is already doing what is proposed or something very close to it.

If the proposed activity fits within an existing project (i.e. BBA Financial Literacy Project within the BBA Children and Youth Outreach Project), there should be a greater comfort level regarding whether or not to consider the initiative a “BBA Project.”

### **4) Establish Duties and Responsibilities**

All things being equal, one-time efforts involve less of an administrative and resource commitment from the organization. On the other hand, one-time projects must have a payoff that justifies dedicated administrative and volunteer resources.

If the initiative is designed to be long-term, one should understand how it will be sustained. Public service projects usually enjoy support during the development and implementation stages. However, this support sometimes relies on the energy of an individual or small group of people. For a project to become part of the fabric of the Boston Bar Association, it must be embraced (and resourced) institutionally in a way that maximizes the odds that the project will exist for its natural life. This entails a balance of reliable volunteer, staff and/or outside support that survives culture shifts in the legal community.

### **5) Creating oversight**

Leadership of the Boston Bar Association must have a level of comfort that any proposed project will have a structure in place for quality control. All of the considerations discussed above should not disappear as projects enter the implementation stage, but should be integrated into ongoing project management. The BBA Public Service Committee will play a role in this, but the project proposer must anticipate and identify any additional forms of necessary oversight.

## **PHASES OF REVIEW**

Based upon the criteria discussed above, the Boston Bar Association should submit proposed public service initiatives to various phases of review, outlined below.

### **PHASE 1**

When a member or committee has an idea for a new public service initiative, the person or committee suggesting the project should consult the attached “Roadmap of a BBA Public Service Project” (Attachment); reduce it to a simple written proposal; and submit it to the BBA Director of Community Affairs and the relevant Section Steering Committee. BBA staff will analyze the proposal and make a recommendation to the Section Steering Committee.

### **PHASE 2**

Projects that fit within the mission and strategy of the organization, but need more review because of project complexity or other factors, will undergo a short period of research by BBA staff and volunteers. At this point, the BBA will look at how the activity fits within the overall mission and strategy of the organization and flag any practical issues. The BBA staff will prepare a memorandum and present recommendations to BBA Public Service Committee.

### **PHASE 3**

The BBA Public Service Committee will review the proposal and memorandum, gather any additional information if necessary, and issue a recommendation to the BBA Executive Committee.

### **PHASE 4**

The BBA Executive committee will consider the Public Service Committee’s recommendation and issue a recommendation to the BBA Council.

### **PHASE 5**

The BBA Council will review the prior recommendations and make a final determination.

## ***BBA ROADMAP OF A PUBLIC SERVICE PROJECT***

The BBA is affiliated with more than twenty public service initiatives (see table). While the BBA encourages all its members to participate in efforts like these, not every BBA Section is expected to sponsor an initiative. Like all other BBA endeavors, public service initiatives must undergo vetting and review. The BBA examines each activity within the context of its overall institutional strategy. Below are steps to help plan successful public service efforts.

### **STEP 1: ESTABLISHING THE DEMAND FOR SERVICES**

- Who has identified a demand (need) for the talents of a Section or Committee?
- Is another local bar association or organization involved in something similar?
- Who is the prospective client group?
- What are the goals of the program?

### **STEP 2: IDENTIFY PROGRAM NEEDS AND AVAILABLE RESOURCES**

- What funding, administrative support, expert advice, and volunteer resources are needed for a startup period?
- Are volunteers subject to professional liability exposure?
- What resources are anticipated for ongoing needs?
- How will the project procure resources?
- Is fundraising contemplated as part of this project?

### **STEP 3: IDENTIFY ALL STAKEHOLDERS**

- Who should be noticed on the development of the prospective program?
- Who can offer insight into the following: resources, outreach to prospective clients and volunteers, training, administration, and ongoing oversight?

### **STEP 4: ESTABLISHING DUTIES AND RESPONSIBILITIES**

- What are the anticipated duties and responsibilities necessary for this project?
- Who will assume each duty and responsibility?

### **STEP 5: CREATING OVERSIGHT**

- Who will review the progress/effectiveness of the program?
- How will program measure progress/effectiveness?

**If you are interested in a public service project, please contact Paul Dullea, BBA Director of Community Affairs at [Pdullea@bostonbar.org](mailto:Pdullea@bostonbar.org) or (617) 778-1934**