

**BOSTON BAR ASSOCIATION
BANKRUPTCY LAW SECTION**

**REPORT OF STRATEGIC PLANNING TASK FORCE
AND PROPOSED STRATEGIC PLAN**

May 4, 2009

The Strategic Planning Task Force of the Bankruptcy Law Section of the Boston Bar Association (“BBA”) submits this report of its activities and its recommended strategic plan and objectives.

I. Background

In January 2008, the Steering Committee (“Steering Committee”) of the Bankruptcy Section (“Section”) of the BBA formed the Strategic Planning Task Force (“Task Force”) to consider long-range issues for the Section, including its committee and leadership structure and its service to and participation by members. The Task Force focused on the issues particular to the Section, as a way of coordinating and implementing the strategic planning undertaken by the BBA for the organization as a whole through its Planning Committee.

The Task Force performed its duties through extensive meetings and discussions among its members, as well as review of materials provided by the BBA regarding its strategic plan. The members of the Task Force were members of the Steering Committee who had been actively involved in the Section and its leadership, with members in both consumer and business practice as well as small and large firms. In addition, the Section Co-chairs participated in the discussions as *ex-officio* members of the Task Force.

As part of its process, the Task Force sought input from others regarding the current status and future structure of the Section. The Task Force identified thirty bankruptcy practitioners to be interviewed, reflecting a range of levels of participation in the Section and its leadership, as well as a range of levels of experience, firm size, and areas of practice. After developing a series of questions and topics to be discussed, members of the Task Force met or spoke individually with substantially all of the proposed interviewees. In addition, the Task Force invited other members of the Steering Committee as well as past Section Co-chairs, to meet with or discuss their issues with a member of the Task Force. Finally, the Task Force also reached out to the Bankruptcy Judges, with the Co-chairs of the Task Force speaking with Chief Judge Boroff, as well as any of the other Bankruptcy Judges who wished to discuss the issues.

After conducting the interviews, the Task Force continued through a series of meetings and discussions to refine and focus the proposed goals and strategies for the Section and its growth, as set forth in this Report.

II. Mission Statement of the BBA

In January 2009, the BBA adopted the strategic plan for the organization as a whole. A summary of the BBA Strategic Plan is attached to this report. As part of the BBA Strategic Plan, the BBA set forth its Mission Statement and Operating Principles as follows:

The Mission of the Boston Bar Association is to advance the highest standards of excellence for the legal profession, to facilitate access to justice, and to serve the community at large. In support of this mission, the Boston Bar Association will strive to:

- Foster an inclusive community of lawyers by improving the quality of life of lawyers as people, as members of a profession with longstanding values and traditions, and as citizen-lawyers.
- Serve individual members and provide them with the tools, relationships, opportunities and resources to develop successful careers and practices.
- Serve law firms, in-house law departments, non-profits and public agencies in and closely connected to the legal profession.
- Increase access to justice for all, provide for the fair and efficient administration of justice, and enhance the quality of the law.
- Ensure that the governance structure, capacity and operations of the BBA are dynamic and suited to the task of accomplishing the Association's goals and objectives without losing long-term focus

The Task Force considered the Section's Strategic Plan in the context of implementing and achieving the foregoing Mission Statement and Operating Principles for the Section as a whole and for its members.

III. Strategic Plan for Bankruptcy Section

The Task Force proposes that the Section's Strategic Plan focus on five areas important to the Section and its members, identifying goals and strategies in connection with each area. In summary, the Task Force viewed the Strategic Plan as finding the Section's "PLACE" in the bankruptcy community, within the BBA, and in member's lives, focusing its attention on the following areas:

- P** Programming
- L** Leadership
- A** Allocation of Resources
- C** Civic Involvement
- E** Encouraging Participation

The discussion below for each area identifies the present state and issues that the Task Force identified, the proposed goal to be adopted in the area, and particular strategies to achieve the goal.

P-PROGRAMMING

A. Present State: The Section is recognized by its members for offering a high quality variety of professional activities that include continuing legal education as well as networking opportunities. The Section is comprised of a cross-section of bankruptcy professionals, covering a range in terms of experience, expertise, as well as concentrated practice area, such as consumer or business. While the Section has worked to be inclusive in its programming and cover the spectrum, it is recognized that from time to time the Section has emphasized certain areas more extensively (such as business during the 1980's and 1990's and consumer in connection with the enactment of BAPCPA).

B. Goal: The Section should aim to be the destination for bankruptcy practitioners by maintaining its high quality programs, offering a broad range of programs that will be meaningful to the cross-section of its members, and ensuring that it provides programs and activities for education, business development and networking.

C. Strategies:

1. Offer a varied range of programs and activities for members, including:
 - Beginner to sophisticated levels
 - Specific and general topics
 - Continue programs aimed at a Section -wide audience (such as Bench Bar) as well as programs targeted to a narrower group
 - Business development opportunities
 - Networking and educational programs
 - Encourage use of marquee speakers
2. Coordinate the Programs
 - Coordinate the calendar of programs and activities for both timing and content
 - Avoid conflicts within the Section, within the BBA and with external programs
 - Coordinate marketing of programs to identified target audiences in terms of experience, skill and practice area
3. Cover underserved demographics in the Section:
 - Big firm debtor practice
 - Consumer creditor practice
4. Cross-promote outside the Section
 - With other sections of the BBA
 - With Industry organizations
 - Target as speakers

- Target for attendance
5. Make programs, materials and other “productions” widely available to members, taking advantage of technology where appropriate. In so doing, we will develop and populate an archive of useful materials, accessible to members.
 6. Encourage members to take advantage of BBA programs of broad interest, such as diversity, work-life balance, lawyers in transition, mentoring and others (through co-sponsoring or cross-promotion).

L-LEADERSHIP

A. Present State: The Section consistently locates, attracts, develops, promotes and supports practitioners dedicated to the goals of the Section. As a result, the Section has been able to draw strong leadership, from a cross section of the Section, which has provided great energy and growth of the Section’s programs and activities. While the Section has been successful, the leadership selection has occurred through an informal process and many members (including those on the Steering Committee) had no idea how leadership is identified, selected and implemented.

B. Goal: The Section needs to be sure the process for leadership development and selection is seamless, transparent and inclusive. The Section should provide a more formal structure for Section leadership, which will still retain the flexibility and openness from which the Section has benefited in the past.

C. Strategies:

1. Formalize process for appointing Section Co-chairs
 - Announce timing and process (including criteria) to Steering Committee
 - Candidates proposed by Co-chairs (recognizing that BBA rules require Section Co-chairs to propose 3-5 candidates)
 - Co-chairs would consult with past 3 Section Co-chairs (“Advisory Committee”)
 - Acknowledge that BBA President makes final selection, which may differ from the suggestions by the Section Co-chairs.
2. Formalize process for appointing Committee Co-chairs
 - Announce timing and process (including criteria)
 - Develop and formalize protocol for recommending successor Committee Co-chairs
 - Continue process of existing Committee Co-chairs suggesting replacement
 - Solicit input from Steering Committee

- Section Co-chairs make selection (subject to final BBA approval as may be required)
 - Co-chairs may consult with Advisory Committee
3. Develop criteria for “membership” on Steering Committee (Co-chairs / Advisory Committee)
 4. Formalize “informal” traditions via written materials/handbook
 - Roles of Co-chairs
 - Bench Bar
 - Section Awards
 - Communication with the Judges
 5. Continue requiring Committee Co-chairs to develop / “re-adopt” Committee mission statements and goals on an annual basis.

A-ALLOCATION OF RESOURCES

A. Present State: In implementing its programs and activities, the Section draws upon and must utilize a variety of resources including members’ time, attention, and interest to volunteer and/or participate; the time and resources of the BBA and its staff; funding; technology; physical space for meetings and events; and access to the judiciary for programs and initiatives. Each of these resources is limited in some way. In developing its programs and activities, the Section has given some recognition to the limits on resources, but not necessarily in a systematic way, such that the impact on some resources may not have been realized.

B. Goal: The Section should ensure that it optimizes its use and allocation of all of its resources to meet the needs and desires of its members.

C. Strategies:

1. Section Co-chairs should ensure that for continuing and new initiatives, the consumption of those resources is identified.
2. The Steering Committee should consider resource consumption when evaluating continuing and new initiatives.

C-CIVIC INVOLVEMENT AND PUBLIC INTEREST

A. Present State: The Section is widely recognized for the success of its well-developed and delivered public service programs, including the Financial Literacy program, Reaffirmation Clinic and under-represented debtor support programs. Pro bono and public service have been important parts of the Section traditionally and are identified by members as key components of the Section. The Section and its programs have been recognized by the Massachusetts Supreme Judicial Court (Reaffirmation Clinic and the emergency client assistance with deceased / disbarred attorneys) as well as the American Bar Association (Financial Literacy).

B. Goal: The Section should continue its high level involvement in and support of its pro bono and public service activities, balancing the continuation or expansion of existing programs and new opportunities.

C. Strategies:

1. Before adding a new program, evaluate the demand on resources, the “fit” with Section mission, impact on existing initiatives and programs, and how the new idea fits into the “larger picture”
2. Periodically review existing programs for the same criteria as new programs, *i.e.*, evaluate the demand on resources, the “fit” with Section mission, impact on existing initiatives and programs, and how the new idea fits into the “larger picture”
3. Recognizing that the strength of the Section is its local and Massachusetts ties, identify appropriate legislation and local court rules to be considered and evaluated for the impact on insolvency practice.
4. Identify opportunities to be “the voice of the bar”
 - Educating business regarding Massachusetts as a positive forum for business cases.

E-ENCOURAGING PARTICIPATION

A. Present State: Participation is the key to keeping members engaged in the Section and the BBA. The Section has a strong draw for marquee programs such as the Bench Bar, well attended luncheon programs (although attendance varies by topic or nature) and solid participation in pro bono programs. The Section competes, usually successfully, with other programs that offer CLE programming, leadership development opportunities, civic involvement and networking. However, the Section faces outside pressures on its ability to attract and maintain its members and programs. As larger firms increasingly concentrate their resources on business development and also develop in-house programming, such firms start to re-evaluate their support of bar programs. In addition, smaller and solo firms continue to face resource issues, both financial as well as increased pressure on their time as the practice area intensifies.

B. Goal. In an evolving legal services industry, the Section should work to ensure it offers a value proposition to its key constituencies. The Section should continue to identify and develop opportunities to serve its members and the profession and those whom the profession serves. The Section should expand opportunities for greater participation from existing members and encourage new members to join the Section and become involved in its activities.

C. Strategies:

1. Sustain relevance
 - Educate firms and members regarding the “value proposition” offered by the Section and the BBA
 - Educate regarding membership status within the Section, and recognition that BBA membership does not equal Section membership under the prevailing BBA membership policy.
2. Cultivate and expand leadership
 - Identify and develop future leaders.
 - Create opportunities for potential leaders by expanding committee membership and participation beyond the Co-chairs)
 - Encourage current leaders to incorporate the “personal ask” to reach out to new members and potential leaders
3. Extend outreach to large firms
 - Pitch to the “decision makers”
 - Contact large firm / partner level to bring new members
 - Encourage existing BBA members to become Section members
4. Widen awareness that participation in Section programs and activities creates visibility for the firm, enhancing business development opportunities alongside skill building.
5. Broaden outreach to small and solo practitioners
 - Recognize that education and social networking provided through events and leadership are a key benefit for solo / small firm practitioners.
 - Enhance awareness that the Section provides a collegial atmosphere for exchange of ideas
 - Promote BBA benefits for small/solos (malpractice insurance discounts, etc.)
6. Extend outreach to area law schools
 - Consider offering some programs for free
 - Develop relationships with bankruptcy professors
7. Continue to encourage participation by:
 - Government, non-profit, in-house attorneys, and non-lawyer insolvency professionals
 - Emphasize benefits of interaction with colleagues in related areas

IV. Conclusion

The Task Force believes the adoption of the foregoing goals and strategies will ensure that the Section continues its vibrant growth, and continues to play a meaningful and substantial role in the bankruptcy community, within the BBA and in the lives and careers of its members.

Respectfully submitted,

Strategic Planning Task Force

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