

Mission Control

Launching the bar foundation toward greater heights

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Not long after Zoe Lyle was hired in 2007 as the dual executive director of the Bar Association of Metropolitan St. Louis and the St. Louis Bar Foundation, the foundation sought to hire a consultant to help launch a new fundraising campaign.

The initial recommendation that came back from the consultant, Lyle says, was a bit of a shocker.

“‘You are not ready to fundraise, and nobody can distinguish between the bar association and the bar foundation,’” she says, recalling the consultant’s stinging criticism. “That really surprised a lot of people. So we spent almost two years trying to establish our foundation’s identity.”

After dozens of committee meetings, focus group sessions, and discussions among association and foundation members, the St. Louis Bar Foundation emerged in 2009 with a fundraising gala, a community justice awards program, and a strong commitment to fund and support programs that “help and assist to implement the rule of law,” Lyle says.

Developing and honing a core mission, coupled with building a solid commitment to that mission from board members and staff, is key to the growth, relevance, and success of virtually any bar foundation, Lyle and other foundation leaders say. Whether they be floundering or flourishing, foundations—and the people and organizations they support—can often benefit from clarity of mission.

From cultivating dedicated board members to fostering familial, yet distinct, relationships with bar associations, many bar foundations have discovered that they need to put in plenty of work to ensure that they become something more than an oft-forgotten “charitable arm” of bar associations.

That work is even more critical today than in previous years, many say, as a soft giving climate and growing demands from grantee organizations in a rough economy are challenging foundations and their ability to help. Still, many bar foundations are finding success, they say, thanks in great part to that commitment to mission, strong executive and volunteer leadership, and solid relationships with bar associations.

Don’t be a wishy-washy foundation

Quite often, bar veterans say, the origins of vague foundation direction can be traced back to the sometimes complex and challenging relationship between the charity-focused bar foundation and the membership-oriented bar association. Overlapping membership, shared staff, and many common goals can leave foundations struggling to establish their own identities as charitable organizations while at the same time working closely with the associations with which they are affiliated.

“You have to draw lines [between the organizations],” says Kim McKelvey, executive director of ALPS Foundation Services, which offers consulting and management services to bar foundations and similar nonprofit groups. “But the foundation and the association have to work hand in hand.”

The identity and mission confusion that plagued the St. Louis Bar Foundation is not uncommon, says McKelvey, who works regularly with foundations that tend to be small and short on staff. It is those

cost-conscious smaller foundations—where the overlap and sharing is most prevalent—that often run into the most difficulties, she adds.

One such organization, the Wyoming State Bar Foundation, has been working with McKelvey and ALPS for the last several years to overcome a lack of focus and recognition that had left the foundation increasingly invisible. Stuart Day, the foundation president and a member of the board of directors for five years, agreed that help was needed.

“Frankly,” he says, “I don’t think people even thought of us before.”

In Montana, Amy Sings in the Timber discovered similar challenges in 2007, when she became executive director of the Montana Justice Foundation. The foundation’s primary role was to disburse the state’s interest on lawyers’ trust accounts funds.

“If you stopped five lawyers in the street, three of the five would have never heard of us, and the other two would be conflicted about whether we were part of the bar or IOLTA,” she recalls. “We had a mission that was a good slogan, but it was more of a catchphrase than a mission.”

In St. Louis, Wyoming, and Montana, foundation leaders have found that establishing a clear, focused mission has gone a long way toward developing a stronger foundation that could be distinguished from its affiliated association, yet still work with it when appropriate. Wyoming’s experiences are a good example, McKelvey says.

“They had one of those mission statements that takes a wheelbarrow to carry around,” she explains.

“It’s as if the wishy-washy bar foundation mission leads to a wishy-washy bar foundation. Are [small foundations] small because they’re wishy-washy, or is it vice versa? It varies.”

Over the last several years, the Wyoming State Bar Foundation has been working to address those issues, Day says, starting with homing in on a more active role to enhance the IOLTA funding that the foundation receives from banks in the state. Those funds are then distributed to organizations in Wyoming focusing on access to justice for low-income residents.

In the last year, the foundation helped play a role in passage of a state law that will provide direct state funding for civil legal aid, meaning Wyoming will join the many other states in the country that provide such funding, Day says.

“We’ve made great strides over the last few years,” he believes. “We’re more energized, more focused, and more goal oriented. We’ve been working to shed that anonymity.”

When the Montana Justice Foundation began focusing more on advocating for access to justice organizations—rather than just doling out dollars to them—the culture of the organization began to change, Sings in the Timber says.

“Once we had a clear mission, what followed were clearly defined committees that went right to work,” she adds. “It’s opened up a number of opportunities for us to talk about civil legal aid and access to justice.”

It’s not just small foundations that use a strong mission to accomplish goals. The Chicago Bar Foundation, which grants upwards of \$2 million a year to several organizations, relies on a tried and true mission, says Bob Glaves, the foundation’s executive director.

“Our focus is on pro bono, legal aid, and access to justice. That doesn’t vary. People know that’s what we do,” he explains. “We’re trustees of the justice system and have a responsibility to make sure that the system stays open to everybody, regardless of income.”

Stay steady during tough times

For the Philadelphia Bar Foundation, reliability—even in difficult economic times—is an important part of its mission, says Amy Ginensky, the foundation president. “People come to rely on the funds you give them,” she says. “We’re trying to provide steady, dependable income from one year to the next and avoid the peaks and valleys of grantmaking.”

Many foundations are doing what they can to be true to their missions, despite economic turmoil that has seen increased requests from grantees, as well as more groups seeking financial help. The Philadelphia Bar Foundation, which normally uses 3 percent of its endowment for gifts each year, increased that amount to 4 percent in 2009.

Foundation leaders say that it’s important, even in a foundation’s lean times, to reach out and help—not only for the sake of the grantee organizations, but also for the reputation and long-term health of the foundation.

“A big thing for many of our contributors is, ‘Are you spending my money?’ ” says Julie Armstrong, executive director of the Indianapolis Bar Association and the Indianapolis Bar Foundation. “People want to be sure that we’re not building a huge endowment. That’s why I tell people not to pull back. You’ve got to remain visible.”

Glaves agrees, adding that tough times show the value of a well-developed strategic plan that focuses on “doing a few things really well. We can’t do everything we want. You always have to be looking at where you can make the most impact.”

Planning puts the mission in motion

While developing, promoting, and following through on a stated mission is critical for a foundation’s success, leaders and observers say, that does not mean that the mission should be static.

“It’s a good idea to re-examine your mission, your programs, and your strategic plan every three to five years,” Glaves says. “What do you want to do? Is it consistent with the bar association? How can the foundation advance the goals of this group of members?”

That is what the Montana Justice Foundation examined this spring, just two years after successfully revamping its mission and direction. Discussion of ways to improve public education and outreach was on the agenda, Sings in the Timber says.

The Philadelphia Bar Foundation recently completed work on its second strategic plan. “It’s important to continually review what you’re doing,” Ginensky advises. “There are new goals, new ideas.”

Outside consultation can also be part of the planning and review, Armstrong says. An outside consultant met with focus groups, conducted research, and provided a profile of the typical Indianapolis Bar Foundation contributor and ways to reach him or her.

The result: Pat (male or female), a 42-year-old lawyer with two children in private school. The profile also showed that the foundation was probably fourth or fifth in line to get charitable funding from Pat. “We needed to think about what resonates with Pat,” Armstrong says. “We came up with a different logo, different colors—and make it clear that we’re not the association. We’re here to help the city of Indianapolis.”

Build the right team

What does it take to start moving the foundation toward a bolder, more focused future? A strong, active board and a dedicated executive director, many experts say.

“What we see so often, particularly among smaller foundations, are people saying, ‘We only meet a couple times of year. We don’t do much. Can you join?’ ” McKelvey says. “As soon as the board starts taking itself seriously, they get better people on the board and everything moves smoothly. It’s an incredibly exciting shift to see.”

Active, involved board members who meet regularly among small groups, committees, and as a whole board have long been a part of the Philadelphia Bar Foundation’s approach. “Our board is active in taking on and owning projects—and that’s exciting,” says Gene Sirni, the foundation’s executive director.

Finding, encouraging, and appointing such board members can be challenging, Sirni and others say, but for many foundations, it can start by avoiding—or at least reconsidering—a long-used practice of immediately moving past bar association presidents onto foundation boards.

“At the end of year, there is no one more tired than the immediate past president of a bar association,” Armstrong says. While a past association president probably has plenty to offer to a foundation board, she adds, some time away from board life to re-energize is likely better for the foundation—and for the immediate past president.

In 2007, Lyle’s first year as executive director in St. Louis, the outgoing association president turned down the usual appointment to the foundation. To Lyle, who had no prior experience with bar associations or foundations, that seemed like a good idea for more than one reason.

“It was a really bad trend because they were so worn out—and it blurred the distinction between the two organizations,” she explains.

What Lyle and other leaders have found is that deliberative, and sometimes innovative, thought about who is appointed to the foundation board can play a significant role in the foundation’s future. Focus groups, committee meetings, and interviews—both inside and outside the bar—can help foundations not only with their missions, but also with finding the people to best carry out that mission.

In St. Louis, the foundation added a Ph.D. educator to help sharpen the foundation’s newfound focus on funding for educating the public about the law. In Montana, a retreat that focused on long-term goals shortly after *Amy Sings in the Timber* arrived soon led to changes in the board and committees—which began appointing members from outside the bar community.

“The majority of the board felt that we needed to be much more than funders,” Sings in the Timber says. “We lost some board members. They said, ‘I am on the board to give out money, not to raise money, not to speak at Rotary luncheons, not to write op-ed pieces for local newspapers.’ ”

That type of activism, along with diversity across a spectrum of interests, is key to the Philadelphia Bar Foundation’s criteria for selecting the 24 members of its board, Sirni and Ginensky say.

“You need a strong board. It needs to be dedicated to the mission of raising money,” Ginensky says. “We look for what a participating board member can do for the cause. Different board members bring different areas of expertise. Variety is essential.”

As the Wyoming State Bar Foundation continues in its transition, leaders are taking a closer look at changes to its board structure, and that is likely to include “a more aggressive approach to fundraising,” Day says.

“Developing a fundraising committee is part of our progression,” he adds. “We’ve been talking to people who think they have the energy and the commitment. Right now, we’re an informal, self-selecting board.”

Board member recruitment and selection are crucial to a foundation's success, but so is selecting the right staff members who can help guide those processes, McKelvey and others say.

Any bar foundation, regardless of its size, can benefit from one or more dedicated staff people who can develop the fundraising, grantmaking, public relations, and administrative skills that are needed on a regular basis, McKelvey says.

The recent economic downturn, however, has led to layoffs and positions left unfilled at foundations. There is also increased pressure on those who serve as the dual executive directors of bar associations and foundations. Still, she says, sharpening the foundation's focus can be done—with or without much dedicated staff.

"It takes a particular kind of leader who can pull an executive board forward," she says.

Connect for success

As bar foundations move forward, especially in today's challenging economic climate, they will continue to need the support of their affiliated associations, foundation leaders say. Attracting and energizing bar association members is one vital way a foundation can grow.

"Bar foundations that are intertwined with bar associations have a lot of potential to do some fundraising and to motivate their lawyer constituencies," McKelvey suggests. "Step back and have meetings with key stakeholders and longtime bar association members."

The Indianapolis Bar Foundation starts making connections with association members early on, Armstrong says, by trying to get young lawyers on the foundation board and by reshaping the foundation's image.

"The foundation [in the past] would have galas and fundraisers that even I didn't want to go to. So, one time, we said, 'Let's have a dinner party,'" Armstrong says. "It made people think, 'Hey, this is not an elitist organization.'"

The St. Louis Bar Foundation also has members of the bar's Young Lawyers Division on the board, and the foundation places at least one article a month in the bar association's newsletter, Lyle says.

Ginensky is a regular contributor to the Philadelphia Bar Association's publications. "It makes [association members] aware that there is a bar foundation and that we do different things," she says.

For many foundations, the results of such efforts are encouraging. Over the last five years, the Indianapolis Bar Foundation has averaged a 13 percent increase in overall donors, an 11 percent increase in first-time donors, and a 7 percent increase in young lawyer donors each year. In Philadelphia, the foundation saw its contributions from individual donors triple, from \$50,000 in 2008 to \$150,000 in 2009.

Mission, focus, and dedication to the foundation goals are all key to success, leaders say.

"If you don't have that mission, you rarely see organizations succeed at fundraising and growing," McKelvey says.