How to Work Better with your Attorney or AAG

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BOARD SURVEY RESULTS

Our Board, board executive and attorney work well together as a team

Strongly Agree/ Agree

92.23%

94.12%

Disagree/Strongly Disagree

1.7%

0.98%

	Strongly Agree/ Agree	Disagree
Our Board is effective in carrying out its role of public protection	86.82% 91.09%	0.73% 1.98%

Our Board is able to respond to current issues in a timely manner

Strongly Agree/ Agree

80.29%

84.00%

Disagree/Strongly Disagree

7.3%

7.0%

Current policies and guidelines support consistent, equitable enforcement

Strongly Agree/ Agree

91.67%

91.00%

Disagree

1.23%

2.00%

Our Board, staff and attorney have appropriate instructions & resources, and are held accountable

Strongly Agree/ Agree

89.54%

82.65%

Disagree/Strongly Disagree

4.38%

6.12%

Our attorney is adequately prepared for meetings

Strongly Agree/ Agree

89.46%

96.97%

Disagree/Strongly Disagree

3.19%

1.01%

Our attorney effectively facilitates pre-meeting discussion and allows the board to make its own decisions

Strongly Agree/Agree
86.7%
N/A

Disagree/Strongly Disagree
3.2%
N/A

Our Board is effective at communicating expectations and providing feedback to the board attorney

Strongly Agree/ Agree

89.41%

87.63%

Disagree

2.22%

4.12%

Board, administrator, attorney roles and responsibilities are clearly delineated

Strongly Agree/ Agree
81.5%
80.62%

Disagree/Strongly Disagree
2.95%
1.02%

INSIGHTS FROM SURVEY?

Relationship

"The attorney assigned often tries to sway our group based on what her bosses have told her to say. It is not a good experience for us. . . ."

“The board often finds itself in an adversarial relationship with the AG attorney -- they don't treat the board as a client but are more concerned with their own image as an elected official.”

What if your legal advice is not followed?

"Well I begin by repeating the advice in French, because if they opt to not follow my advice, it must mean that I haven't spoken in the correct language."

What if your legal advice is not followed?

"If the Board has been advised and the law clearly outlined, I leave it alone.

"It is their decision. If I have properly outlined consequences and guidance, it is their decision, not mine."

“It's important to never forget that an attorney's counsel is but an educated opinion. A Board member is ultimately responsible to the public, and must therefore weight counsel's opinion with the overriding goal of doing what's best for our constituents.”

"The AG changes the attorney for our board and consistency is a problem."

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BOC

- Listen
- Understand Responsibility
- Understand Roles

Communication and Education

"There is sometimes a confusion between what tasks the board executive and the board attorney are responsible for. . . ."

“Executive staff, board members and board staff struggle through the process without clear direction or advice from our advising attorney.”

"I . . . think that there is a lot of role overlap in many boards—

"executives and board members who want the attorney to 'decide' for them, executives who do the board members jobs, board members who allow it."

"It would be helpful to have a better understanding . . . of how the legal process works through the board in general."

"I think that the boards rarely provide feedback to their board lawyers."

"Board attorneys are not always receptive to feedback from board and board staff."

"As in-house counsel I am involved in all aspects of the operation."

"Our AAG is at all of our meetings, including retreats.

"In the past few years she has started to do more educational sessions with the board on various legal issues with case examples. These have been very valuable."

"What would enhance the functioning of board counsel?

"Time and the opportunity to learn about issues percolating in the profession."

Think Strategically

- Plan Ahead & Be Prepared

- Get in Line, Give Advance Warning

- Keep Counsel Informed of Developments
- Practice Prevention
- Follow up; Agree on Reasonable, but Tight Deadlines

- Give All Pertinent Facts
- Ask the Right Questions
- Know What Outcome You Want

"When the board wanted an official opinion written . . . and the division chose not to honor the requests . . ., I made a recommendation [to] use an entity that could get the opinion they needed."

Themes:

- Relationship
- Communication & Education
- Think Strategically

Thank You

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