

2015 BOC Athletic Trainer Regulatory Conference



How to Work Better with your Attorney or AAG

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AT REGULATORY CONFERENCE STATE ATHLETIC TRAINER LEADERS AND STATE REGULATORY BOARDS AT REGULATORY
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BOARD SURVEY RESULTS



Our Board is
effective in
carrying out its
role of public
protection

Strongly Agree/ Agree

86.82%

91.09%

Disagree

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%



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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%

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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.”

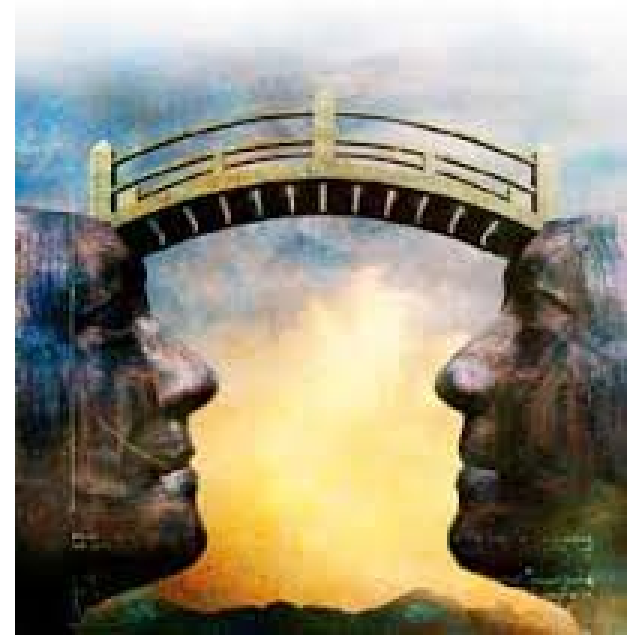
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Communication and Education





“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.”



“What would enhance the functioning of board counsel?”

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

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Think Strategically





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



“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.”

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Thank You

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