

Standard 1.1 on Overall Functions and Responsibilities of the Governing Body

STANDARD 1.1: ON OVERALL FUNCTIONS AND RESPONSIBILITIES OF THE GOVERNING BODY

A provider should have a governing body that establishes its mission, sets and oversees implementation of broad general policies to guide the provider and actively participates in planning for its future.

General considerations

Each provider should have a governing body or its equivalent that assumes overall responsibility for the success of the organization. The governing body should carry out its responsibilities in a manner that maximizes the provider's capacity to serve low income persons effectively. Individual governing body members should be aware of and sympathetic to needs of low income communities, and the governing body should operate in a manner that enhances engagement with low income communities and the low income persons that the provider serves.¹

The overarching responsibility of the provider's governing body is to establish the mission for the organization and to set broad general policies to guide the provider in its provision of legal assistance to the low income communities it serves. The governing body should also assure that planning takes place to accomplish the provider's mission and that adopted policies are implemented.²

There are a number of functions and duties that fall to a governing body as a part of its overall responsibility for the well-being of the provider. Key responsibilities are treated in separate Standards that follow, including oversight of compliance with legal and contractual responsibilities and with board policies,³ fiscal oversight,⁴ hiring and supervising the chief executive,⁵ serving as a resource for the provider⁶ and fundraising.⁷

Overall responsibilities

Mission.

¹ See ABA Standards for the Provision of Civil Legal Aid (2006): Standard 1.2 (on Governing Body Members' Responsiveness to the Communities Served); Standard 1.3 (on Governing Body Communication with Low Income and Legal Communities).

² See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 2.1 (on Identifying Legal Needs and Planning to Respond).

³ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 1.1-1 (on Governing Body Oversight of the Provider).

⁴ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 1.1-3 (on Fiscal Matters).

⁵ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 1.1-4 (on Relations with the Chief Executive).

⁶ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 1.1-5 (on Serving as a Resource to the Provider).

⁷ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 1.1-6 (on Resource Development).

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The governing body should determine the organization's mission and purpose. It is the governing body's responsibility to create and periodically review a statement of mission and purpose that articulates the provider's goals, ascertains the means that it will utilize to accomplish those goals, and identify the primary constituents to be served. The governing body should clearly articulate the provider's mission, accomplishments and goals in order to help garner support for the provider from the public.

Set policy for the provider.

Consistent with the provider's mission and purpose, the governing body has the responsibility to set broad general policies for the organization's operation. These policies include, in the first instance, the provider's articles of incorporation and bylaws. The governing body should adopt such other broad policies that make up the general set of rules under which the provider operates and clarify the roles, responsibilities and duties of the governing body and the provider's staff. These policies establish the standards against which to measure the actions of members of the governing body and the provider's staff and help safeguard the provider's general well-being.

The precise policy role of the governing body will depend upon local judgment about the appropriate division of authority and responsibility between the governing body and the provider's chief executive.⁸ Generally, the governing body has broad decision-making authority on fundamental matters, such as determining delivery structure, adopting priorities, selecting the chief executive, adopting the budget, establishing a salary structure for staff, and overseeing the implementation of these policies. In addition, the governing body may be required to establish policies, such as setting eligibility guidelines,⁹ to comply with requirements of a funding source.

Planning.

The governing body should also be engaged in planning efforts called for in these Standards to guide how the provider responds to the legal needs of the low income communities it serves. It should assure that planning furthers the provider's mission and fosters the effective and efficient utilization of its resources to meet the most compelling needs of its clients.¹⁰

⁸ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 1.1-4 (on Relations with the Chief Executive).

⁹ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 5.1 (on Eligibility Guidelines).

¹⁰ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 2.1 (on Identifying Legal Needs and Planning to Respond).

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