

# YHB Not-for-Profit Symposium

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## BKK Overview

- Founded in 1959 in Arlington, Virginia
- One of Northern Virginia's largest and most established law firms
- 42 lawyers; comprehensive array of practice areas
- Represent clients throughout Virginia, Maryland, D.C. and beyond
- Regularly appear in all Federal and State Courts in the D.C. metro area

## Don't Be "That" Not-for-Profit

*Avoiding and  
Navigating Risks and  
Governance Problems*



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## Board Service *Some Basics*

Governance

Delegation

Fiduciary  
duties

## Fiduciary Duties

Duty of  
Loyalty

Duty of  
Obedience

Duty of  
Care

## Duty of Care - Expectations



- Attendance
- Independent and informed judgment
- Choosing exec director
- Monitoring budget and finance
- Strategic planning/goal setting

## Repeat Offenders *Scenarios*

*Example:  
Breaching  
Duty of Care*



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## Boards, Staff, Members and Clients *What Can Go Wrong?*

Blurring of lines

Erosion of  
protecting against  
conflicts of interest

Hiring friends and  
family

## *Not playing nice in the sandbox*

- *Conflict*
- *Lack of communication, empathy, civility*
- *Have we spent too much time at home???*



## What Are the Issues?



### Claims and disputes

- Accessibility
- Diversity
- Equity
- Inclusion
- Belonging

## Issues cont'd

- Volunteering
- Service
- Governance



*Example - Pandemic era fights over COVID restrictions*

## Sample Cases



## Modern Problems *Suggested Fixes*



Mission, Vision  
& Values



Organizational  
Messaging



Perception of  
Staff



DE&I



Social Media

## Thank you!



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