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## Join Me on my Soapbox - Transcript

[Speaker 1]

Welcome to Charity Therapy, a podcast from Birken Law about building better nonprofits. I'm your host, Jess Birken. Hi, Meghan.

How are you today?

[Speaker 2]

I'm doing great, Jess. How's it going?

[Speaker 1]

It's going pretty good over here. I'm toasty warm in my home office with my heater going, feeling good.

[Speaker 2]

I know the snow is coming down all pretty right now, and I'm pro-snow.

[Speaker 1]

That's pretty awesome. You know what would make a snowy day even better is talking about Robert's Rules. Oh, really?

[Speaker 2]

I got to be honest, my one and only experience with Robert's Rules is being the secretary of my high school's National Honor Society and trying to get a big group of 17-year-olds to follow Robert's Rules at 6.30 in the morning was an experience. Oh my God, that sounds like my personal hell. Yeah, the teacher advisor was really into the thought of all of us learning it, and it just did not go well.

[Speaker 1]

Because that's going to be an important life skill when exactly? Exactly. Exactly.

Well, maybe if you're in a nonprofit, right?

[Speaker 2]

So, Jess, what do we actually need to know about Robert's Rules?

[Speaker 1]

Okay, so Robert's Rules are basically a quasi-governmental or actual governmental method of conducting a meeting. So, when you're watching like C-SPAN, you know, as you do, and you see how they interact with each other and recognize speakers and make motions, and you know, that's basically Robert's Rules. They're using a methodology for keeping order in a meeting.

The big thing though is that everybody thinks that nonprofits are legally required to follow Robert's Rules, and that's totes not true. Like Robert's Rules is just a system for holding a meeting. It has no legal anything.

And I would say Robert's Rules suck. So, I would love to see people get away from using them, and I'm here to tell you they're not legally required, and that's what you need to know.

[Speaker 2]

Well, that is very important information, particularly for these questions, askers that I have today. So, I have a couple questions for you. Are you ready?

[Speaker 1]

I am ready. Let's roll.

All right. Number one. I am on the board of a small nonprofit art gallery. Most of the board members have been with the organization for a long time, and we've worked very well together as a group.

Recently, we had a new member get elected to the board who has served on several other nonprofit boards. We were very excited to get his expertise, but there's been a major problem. This new member is obsessed with following Robert's Rules to the letter, to the point that we're not getting anything done because we're sitting around arguing about procedure.

Is it necessary to be this focused on parliamentary procedure when our more relaxed style of meetings were working fine?

[Speaker 1]

Oh, this question is painful. This is why board member selection and culture are so important, right? Because here they have this little group that's totally functional.

And then in comes Mr. Expert, who's basically upsetting the apple cart. And sometimes we want the apple cart to be upset because we're stagnant or we don't have diversity or something, but this is not the kind of upsetting apple cart that you want. One thing, and this isn't totally about Robert's Rules, but the undertone in this is this person just came in and started being a jerk.

And so I'd be remiss if I didn't suggest what I tell clients often is have a non-voting advisory board or some sort of advisory body where you can use that as a space for people to do work for the organization in a committee type of way that's not putting them on the board because then you can see if they're going to make a good board member. Because the biggest thing that sucks is you add someone to your board, and you have no idea that they're a gigantic a-hole. And then you find out the hard way and now they're already on the board for two or three years.

So that's just pro tip on the side note for this. And also, the questioner writes, we were so excited to get his expertise. But what is expertise about past board experience?

I mean, you don't know if their previous board experience was horrible, or their board was super toxic or the culture of the organization was really messed up. So, their board experience being seen as expertise, that may not be the best factor to judge whether a person's going to be a good fit for your organization. But let's actually talk about the Roberts Rules piece.

So, Roberts Rules really supports, and this is I'm going to get on my soapbox now, but Roberts Rules is like this foundational, crucial thing underpinning traditional meeting culture and parliamentary procedure. Tends to be something that excludes people of color, people who are not experienced with it, and it's the kind of thing that makes people in the room feel like they can't participate because they don't understand the process and they don't understand when

it's their turn to talk or that they're going to make a mistake. And so, I find it has great potential to exacerbate the bullies in the room who know how to use it to their advantage.

And it tends to make people who might be already not heard from enough also not speak. So, the thing is, if you're a small nonprofit, you might be struggling with running the board and so you might be kind of holding on to things like Roberts Rules as this tangible thing that makes you feel professional, but you don't need that. You don't need that to be a good board.

If you are doing this, you need to go back to square one and you can use my Board Meeting Survival Guide to feel professional and get a better grasp on things than using Roberts Rules. Ditch the Roberts Rules. Go download the Board Meeting Survival Guide.

It's at [berkenlaw.com/slash/board/dash/survival](https://berkenlaw.com/slash/board/dash/survival). We'll put a link in the show notes, but it's pitched at new boards, but truly for a board that needs to hit the reset button or if you feel like you're just trying desperately to like cling to Roberts Rules so that you feel competent, that is not the answer. So, my advice for this questioner is get rid of the Roberts Rules.

It's not legally required. You can literally vote it out of your lives if you want to. That's all I have to say about that one.

[Speaker 2]

That's all, huh? Okay, next question. This is a doozy.

So, I sit on the board for a garden club, which is part of a larger district association. At last night's board meeting, we were preparing to finally vote on whether or not we're going to leave the district. I know that opinions were mixed on the board about whether to leave, but we had been discussing it for months and it was time to finally make the decision.

But then the board secretary who opposed leaving the district used some dusty old rule from Roberts Rules to prevent the motion from even being made at all. Is this even allowed? Jess, do you even know what kind of rule that would be?

[Speaker 1]

Okay, like listeners, if you could just see me shaking my head right now, because no, I don't know what rule that would be. And you know what? It probably doesn't even matter because half the time people that do crap like this, they don't know how to use Roberts Rules anyway.

They just sound important. And they're like, point of order, you cannot make the motion because we already amended the motion and blah, blah, blah, blah, blah. They're probably using it wrong.

So, I don't know what rule it would be, and I don't want to know what rule it would be. I just know that this person is, there's one in every group. It's like, damn it.

Why? It's like, this is not the point of Roberts Rules. So, the point of Roberts Rules is to facilitate making things happen.

And this person is specifically using Roberts Rules to thwart things from happening, right? The point of Roberts Rules is not to create an opportunity for you to abuse an arcane system of rules to your own Machiavellian ends by manipulating the outcomes through technicality. That's not heroism, okay?

You're not helping anybody. That's just you being a jerk. And I'm sorry if you don't agree with the decision, but governance is all about making group decisions.

And sometimes you're going to vote no, and the majority is going to vote yes. And it's not a point for you to come in and try and undercut the board's ability to get the job done by using a weird rule. I'm getting worked up about this one.

Getting heated about Roberts Rules. Yeah. I mean, I feel passionately about this.

This is like the bane of my existence as a lawyer when there's a conflict and the person with the Roberts Rules starts getting going, you're like, oh God, here we go.

[Speaker 2]

Because like you said, it's supposed to be a structure to help you do things, not hinder the group from even being able to make a decision at all.

[Speaker 1]

Right, right. We were doing the research for this episode, and there's this great blog article on the GuideStar website by Andy Robinson. We can put a link in the show notes.

But he's like, this is where the board bully comes out, right? You're not a government, you're an animal shelter, or a sports league, or a theater, or an advocacy organization. Like, don't just let the bullies take over, you know?

It's like, yeah. Yep. Yes, Andy, you are correct.

I agree with you.

[Speaker 2]

Yep. So, Jess, I feel like I know what you're going to say by chance, but what is our overall takeaway here about Roberts Rules?

[Speaker 1]

Run away. Run away, get away, get them out of your life. They are not legally necessary.

I mean, hey, if your organization is using Roberts Rules and you're doing it in a reasonable way and everything's fine, great, awesome, good for you guys. But I would say, you know, we're nonprofits, we're not government, we don't need parliamentary procedure unless you're going to start wearing wigs to board meetings and talking in a British accent every time, in which case you need to invite me to your meeting because I want to see that. And like, you know, also choose your board carefully from the first question.

But really, Roberts Rules suck. That's the takeaway. Meghan, thanks for being here for my ranting today.

I appreciate you. Of course. All right.

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All right, folks, that's our show. Be sure to follow me on Instagram or Twitter at Jess Birken. We want to hear from you, send us a message at our website, [CharityTherapy.show](https://CharityTherapy.show). And don't forget to subscribe to our newsletter at [BirkenLaw.com/signup](https://BirkenLaw.com/signup). Charity Therapy is a production of Birken Law Office, PLLC. Our theme song is by WhaleHawk and remember, folks, this podcast is produced for your entertainment and is not a substitute for actual legal advice.



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## About the Author



**Hi, I'm Jess Birken.**

I'm the owner of Birken Law Office, I help nonprofits solve problems so they can quit worrying and get back to what matters most – The Mission. I'm not like most attorneys, I actually have an outgoing personality, and – like you – I like to think outside the box. Most of my clients are passionate and have an entrepreneurial spirit. I'm like that too. My goal is to help you crush it. Getting bogged down in the minutia sucks the joy out of the important stuff. My clients want to do the work – not the paperwork.

**Let's connect!**

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