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The Wisdom of a 14 Year Old - Transcript

[Speaker 1]

Welcome to Charity Therapy, the podcast where we explore the ups and downs of the nonprofit sector and answer your burning questions. I'm your host, Jess Birken, owner of Birken Law Office, and I'm excited you're here. Imagine hanging out with me and my super smart, funny nonprofit expert pals.

You get to ask them anything about your nitty gritty nonprofit life and get their wisdom for free. Whether you're a seasoned pro or just strapping on your nonprofit boots, we're here to share stories and remind you, you're not alone on this journey. So get ready to join the conversation and bring me the tough questions.

I ain't scared. Ready to rock? Let's dive in.

Hello, and welcome to this episode of Charity Therapy. Today, I've got one of my offspring here.

Hi, Max.

[Speaker 2]

Hello.

[Speaker 1]

How are you?

[Speaker 2]

I'm good.

[Speaker 1]

How's your summer break? We're in the throes of summer break now.

[Speaker 2]

Yeah, it's nice to not have to be in a fluorescent box with lots of other children. It's very nice.

[Speaker 1]

Dude, seriously, I feel like it's always nice to not be in a fluorescent box with lots of other children. I'm sure a lot of office workers are relating to that and wishing they had a summer break.

[Speaker 2]

Well, not children, though. I don't think you're supposed to be in a fluorescent box with children if you're a full-grown person.

[Speaker 1]

I don't know. I think there's an argument to be had that many adults are really just children in a fluorescent box. Anyway, we're going to talk today about non-profit boards.

Do you know what a non-profit board is?

[Speaker 2]

No, not even a little bit.

[Speaker 1]

You know I work with non-profits, right?

[Speaker 2]

Yeah.

[Speaker 1]

I guess the thing that's different from a non-profit and a company that makes money or whatever is that the non-profit has a board of directors that are all volunteers, and they decide what's going to happen with the non-profit. So for me, I own the law firm, right? That's my company and I'm the boss. I get to say what happens. I listen to Meghan, but ultimately, I don't have to listen to Meghan, right?

[Speaker 2]

Oh, okay. I See how it is. Meghan's going to listen and be like, wow, Jess. Wow.

[Speaker 1]

With a board, you have to listen to Meghan, right? Because it's a group.

[Speaker 2]

If she was on the board.

[Speaker 1]

If we were a non-profit and we had a board and Meghan was on the board and I was on the board, we would have to make decisions as a group. That's kind of what makes non-profit boards different. They're all volunteers.

They're not getting paid for being the bosses. Legally, in many states, you got to have at least three people. It literally has to be a group of people.

Then their job is to see the big picture and make decisions for the organization. It's usually not to hire and fire people. If they've got staff, that's up to the executive director.

Sometimes you have a very small organization and then they would hire an executive director. Then there's officers on the board. Have you ever heard of that?

[Speaker 2]

That sounds familiar, but not really, no.

[Speaker 1]

President, treasurer, secretary. Those are the officer titles. Those are basically board members that have special extra duties in addition to just being in this group that has to vote and make decisions for the organization.

The president usually runs the board meetings. They're banging the gavel on the little thing and saying, hey, it's time to get organized here. Stop talking about the donuts.

Then the treasurer is usually responsible for the financials. They're looking at the bank accounts. They're working with the finance committee.

Then the secretary, much like the title suggests, they write down the notes. What happened at the board meeting? Who voted on what?

You got to keep records. As a lawyer's kid, you know it's important to keep records.

[Speaker 2]

Otherwise, there's no proof.

[Speaker 1]

That's right. You got it.

[Speaker 2]

No proof otherwise.

[Speaker 1]

That's the ideal situation. It's all volunteer. There's at least three people.

[Speaker 2]

There's no income from it.

[Speaker 1]

Well, that's a great question. There might be income for the organization, but you don't pay your board members. They're volunteers.

[Speaker 2]

Is it a legal thing or could you pay them if you wanted to? If they're in charge of everything.

[Speaker 1]

I'm going to have you on more often because these are good questions. It is a legal thing because the whole thing with being a volunteer is you're not responsible. There's a state law that says if you're a volunteer and something bad happens, we want people to volunteer.

Right? We don't want people to be like, I'm not doing that because I'm going to get sued. We want people to volunteer.

If you're acting as a volunteer, including being on a board, you're immune. You have no liability as long as you were acting in good faith and being a good person. If you go and stab someone with a knife, then there's no amount of legal immune for that person.

[Speaker 2]

He's a volunteer, so it doesn't count, actually.

[Speaker 1]

I was voluntarily murdering you. That's not how it works. That's why it needs to be all volunteer. I guess you could pay non-profit board members, but you get rid of that volunteer protection and it looks bad.

Who wants to give donations to this place that's paying their board members? Maybe that should change. I don't know, but it's the way it is.

[Speaker 2]

Yeah, it makes sense. I just think there should be an option like, oh, if you want to compensate them if they just did a really difficult job, they could be compensated for that work.

[Speaker 1]

I agree. I also work with a lot of clients that are trying to navigate like, how do we get more diversity on our board? The reality is, if you've got a bunch of time and you're just not busy, you tend to get a bunch of more wealthy, maybe older, whiter, people with privilege.

[Speaker 2]

Yeah, because they don't need to be working all the time necessarily, so they have time to volunteer to a job where they don't need to be paid, kind of thing.

[Speaker 1]

Yes. This is a current issue that many smart, hip, cool non-profit leaders are struggling with. How do we get people into the room that should be there and also compensate them for their valuable work?

These are good questions that you're asking. I'm very proud of you right now as your mom.

[Speaker 2]

Thank you.

[Speaker 1]

All right, so knowing that you kind of have that framework of the board and what it is, you think you're ready to weigh in as a guest expert on one of these non-profit questions?

[Speaker 2]

Yes.

[Speaker 1]

I think we've established that you're wise beyond your years, fully qualified. Okay, let's roll. Here's our question of the day.

We have a small non-profit that offers services to veterans, youth, and the community. In order for people to become volunteers with our organization, our rules require a majority board vote. A unanimous board vote is required for them to become a full member.

Our president is trying to impose a veto power, where if he doesn't like the outcome of our unanimous vote, then he will have the power to overturn it. Okay, this question is a little vague, so let's get through the end and then we'll pick it apart. Other members and I are against this veto power.

He's trying to become a dictator instead of a leader and take away our votes. Somehow, he and the vice president think that their job is to tell us how things are going to be and we have no say over our organization. To them, it's their way or the highway.

We have a good organization and we're only one year old. I think we have great potential if we could get the president and the VP to understand they don't own the non-profit and they don't get to call all the shots for it. We're supposed to be a team.

Everybody's supposed to be on the same side. How can I make him understand that he has no power over our votes and his job is to make sure what we vote on as a board is carried out? I feel like if this isn't figured out, our non-profit will go out of business.

[Speaker 2]

Dude, that's wild.

[Speaker 1]

Right? Okay.

[Speaker 2]

Fuck that. Wait a minute. If you are in charge of not only a company but a non-profit, it's all about community and you need to be working together.

It's just not going to work if you're just like, well, you can all vote because it's not even just like you're making big decisions. It's like, yeah, you can say what you want. You can do a vote but if I don't like it too bad kind of thing.

It's just kind of like overpowering.

[Speaker 1]

Right? 100%. The thing that's baked in here, which is hard to understand a little bit to me anyway, is like what I think is happening here.

Because it says in order for people to become volunteers with our organization, we have to vote them in. Like just to be a volunteer.

[Speaker 2]

Yeah.

[Speaker 1]

Right? So imagine if you were going to go volunteer at the Humane Society down the street to like play with the kitties sometimes and they're going to have a vote on whether Max can even be a volunteer. That seems a little like controlling.

[Speaker 2]

Yeah.

[Speaker 1]

You know, it's a little like, why does the board need to vote on that?

[Speaker 2]

They may have had like some issues in the past though where people came into the non-profit and then there was issues. So now they're like, maybe we should, you know, think about this more instead of voting.

[Speaker 1]

100%. I feel like non-profit PTSD is a thing. Like people make rules because something weird happened once.

Yeah. Okay. So but then it goes deeper.

A unanimous board vote is required for them to become a full member. I don't know what that means. Full member, like a voting member of the organization or a member of the board.

Yeah. I'm going to go with it means to become a full member of the board. Is it like a small group?

And I don't know. Yeah. It could mean that like you join, you pay dues and you become a full member.

Or it could mean to join and vote the board, you know, to be on the board. I'm going to just go with that because I can't tell.

[Speaker 2]

Yeah.

[Speaker 1]

But here's the thing. It says the president, if he doesn't like what we voted on unanimously, then he will have the power to overturn it. Which first of all, so you're just saying this guy gets to say who's on the board or who's one of her.

Then what's the point of the board?

[Speaker 2]

Thank you. Yeah. So he's like trying to have a non-profit having a board.

He's like getting through with like a technicality kind of thing where it's like, oh, I have a board, but I just don't listen to them kind of thing. Yes.

[Speaker 1]

Yes, I agree. And I'm curious if sometimes in non-profits, they will say that the president or the chair doesn't actually have a vote. And so I wonder if that is the situation here, because how do you have a unanimous vote, but the president doesn't agree?

Like the word unanimous means everyone agrees. So he, she, whoever, they must not.

[Speaker 2]

It said he.

[Speaker 1]

Yeah, I think they did say he. I'm also picturing this being like a crusty old dude, just to be fair.

[Speaker 2]

I'm picturing like a Kyle who's like in this company. Are you listening to me? You know?

[Speaker 1]

I just think this organization tries to like observe the whole, like the president or the chair doesn't actually get a vote. And that is like chafing for him. And he wants to stuff the board with people that he likes.

I see that all the time.

[Speaker 2]

I was thinking like, what if we're like thinking that he's in the wrong, but what if he's not? Cause we didn't get like a lot of backstory. What if the board has been either rejecting a whole bunch of really good people or letting in people that aren't super good for the nonprofit?

The president's like, well, I need to like override this because there's people that are really qualified for this job that they're just turning down for whatever reason.

[Speaker 1]

Yeah.

[Speaker 2]

Cause we don't really know.

[Speaker 1]

That is a great point. We don't really know. We're only getting one side of it.

And from what I can read between the lines here, other members and I are against this veto power. There's, it seems like there's factions. So it's not everybody.

Yeah. It's some people agree with the president having a veto power and some people don't agree. You are a hundred percent right.

I can tell you actually several times we have had people call and be like, I'm having this problem with my nonprofit. The board is going crazy and we need to do this, that, and the other. And then people from the other side of the fight call trying to hire a lawyer and be like, we're having a problem.

That side of the board is crazy. And of course we just refer those cases out. Cause I don't want to work with people in their crisis, but like y'all want to go sue each other.

We don't go to court. So you're absolutely right. We're only getting one side of the story.

That's a really great point. What do you think we should do about the veto power though?

[Speaker 2]

I think, I don't know. It's a complicated situation, especially with the loss of context.

[Speaker 1]

Yeah. I mean, welcome to my world, right? Here's my thought.

Let's give the president and the vice president the benefit of the doubt. Like you said, let's just assume they see something that it's like, y'all are crazy. We need stronger candidates.

Okay, fine. I feel like there's a way to go about that. That's not just kind of creating a veto power and trying to like smash your will through.

I feel like a better tack in a situation like that is to say, hey, let's make a policy about recruitment and let's identify the strengths and the qualities that we have and identify the areas where we are missing talents and strengths and then push that through our nomination process and really look at our candidates in the context of how are they qualified. Not, are they my friend? Do they really love the veterans and the youth?

But like, what are they bringing to the table that we need? Yeah. I think there's a way to do it that's maybe a little bit more diplomatic.

[Speaker 2]

I feel like all this company needs is more communication because I feel like this could all be solved if they really just sat down and maybe even like brought in the person. Well, maybe not. I guess if they're talking about it, maybe don't bring in that person that you're trying to vote if you're going to bring them in.

But just like talking about, you know, what could this person bring to the company? What, you know, pros and cons kind of thing. Not just, well, I'm actually vetoing that.

This person is in the company now. Right. Because that's just not a great way to run a company.

If there's no community and like sense of like togetherness, your business is kind of just going to fall apart.

[Speaker 1]

I love that. Yes. No, it's so true because, okay, let's just say you have the veto power and then you're like, boom, Bob's on the board. Sorry. And then you're going to go to the next board meeting and Bob's like, hi, I'm Bob.

You all didn't want me here, but here I am. What are those meetings going to be like, right?

[Speaker 2]

What if the president's only looking at parts of that person and they don't know how good of a that they're actually bringing into the company and you haven't seen, you know, everything.

[Speaker 1]

No, I love it. I love it. So I feel like there's some key takeaway points here, which you have kind of articulated as you're in your four.

If so, the 14 year old wisdom comes right through, then I feel like this is really excellent advice for these people. And maybe they'll play this episode at their next board meeting and can hear what we're trying to say. So number one, more communication.

Yeah. Communication is key. Not just trying to like hammer out your will against their will and be like, I have veto power.

No, you don't. We remove you. You know, those are big hammer hit moves where talking, communicating is so much more effective.

[Speaker 2]

Not even just communicating, like adding people in, but also communicating after the situation happens like, oh, prison, why did you want to like have the veto? Like what is something we could improve on? Like, were you feeling that you were like pushed out and not getting like a choice or like being heard kind of thing? Because that's also important to acknowledge what happened.

[Speaker 1]

I love that. Yes. Making sure everybody is heard.

Absolutely. And also if they are following the president or chair doesn't get to vote policy, like there's no legal requirement for that unless your state statute says it, which I haven't run into one yet that does. People just adopt that because they heard it's a thing and there's no reason for that.

I also think back the truck up. Why do we need to have a unanimous vote? Like there's some key fundamental things here.

Like why do we need a board vote for the volunteer? Why don't we have a volunteer manager? What, you know, like there's a bunch of other stuff, which is sort of my second piece, which is maybe try having some policies and procedures.

Maybe everything doesn't need to be a board decision. Maybe try after one year, you're in a place where you can try building some structure and building in some process that everybody can feel good about, right? How do we have a process for identifying future board members?

How do we do like a strengths, weaknesses assessment on ourselves and like develop a process around that that everyone agrees to and feels good about so that we don't get into these like interpersonal disputes? And I think the point you made, Max, about creating community and togetherness, 100%, right? That is so important, especially in these all-volunteer organizations.

Your organization is not going to last. The questioner is absolutely correct. If this isn't figured out, the nonprofit is going to go under because if you don't have a sense of community, if you don't develop that togetherness, it will all fall apart, and people will go their separate ways.

And then I like what you said about making sure people are heard and making sure that everybody is at the table and is feeling like represented. I wouldn't be surprised to find out that this is an organization that uses Roberts rules and uses it really badly and so people don't feel heard. Absolutely.

Well, Max, thank you for being here. You're an amazing guest.

[Speaker 2]

Thank you.

[Speaker 1]

You had very great insights. I look forward to having you on again. Do you think you would come back?

[Speaker 2]

Yes.

[Speaker 1]

You sounded a little unsure. I love it.

Folks, if you enjoyed Max as our guest today, put it in the comments. Send me a note. Do me a favor.

Share this episode with your friends that are freshmen in high school. Show them it's possible that 14-year-olds can figure out nonprofit best practices. We can do this, folks.

Rate us. Review us. Subscribe.

Get on the thing and press the five-star button. It really helps me out. If you have a question or a story to share, I would love to hear from you. Send me a note. Send it online. Leave a voice memo.

The number to leave a voice memo is 612-208-9120. I'm still waiting for my first recorded question. You guys can do this. I will keep it anonymous. Nobody will know it's you. Call and leave it.

All right. Thanks for listening. See you next time.

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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