

# Report and Recommendations of the New York State Bar Association **Strategic Planning Committee**

April 2024

## Strategic Planning Committee Members

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## Introduction

“The profession is at multilevel crossroads as the pandemic wanes. ‘Business as usual’ is now better stated as ‘business can no longer be as usual.’” Task Force on the Post-Pandemic Future of the Profession Report April 2023.

The pandemic jarringly impacted our members professionally and personally; indelibly impacted the legal profession locally, nationally and globally; and lastly, created novel and complicated legal issues.

Many though realized pre-pandemic that “business can no longer be as usual.” An ABA October 2019 article observed, “Even though 2018 was the strongest year for law firms since the Great Recession . . . many lawyers sense the profession is undergoing important fundamental changes.” The 2022 Future Ready Lawyer Survey by Wolters Kluwer identified the following top trends that have accelerated due to the pandemic:

- Increasing Importance of Legal Technology.
- Coping with Increased Volume and Complexity of Information.
- Meeting Changing Client/Leadership Expectations.
- Emphasis on Improved Efficiency/ Productivity; and
- Growth of Alternative Legal Service Providers

- Workforce expectations: tech-enabled organizations and working remotely or hybrid.

“On an organizational level,” [a March 2020 TrendWatching article](#) noted, “times of crises can be both threatening and liberating.” As a member-drive organization and a leader in the legal profession, the Association needs to take a step back and be reflective: is the way we have done things still the right way to deliver members services, create financial sustainability and advance the rule of law and justice? As we look to our 150 Anniversary in 2026, what steps do we need to continue to ensure our long-term success?

These questions are the ones the Strategic Planning Committee sought to answer and are the subject of this report.

This report recommends that the Association adopt a three year Strategic Plan that (1) aligns our activities to the current and emerging needs of our members, (2) sets us on the path to take advantage of additional revenue streams to ensure continued financial sustainability, and (3) enhances how we lead the legal profession to address the novel and complicated legal issues we now face.

## **Executive Summary**

“As an organization, we must continue to ask ourselves how a specific effort may optimize engagement with current members,” President Andrew Brown explained to the Executive Committee when he formed the Strategic Planning Committee toward the end of his presidency in 2022, “as well as determine whether this same effort may help recruit new members or assist with retaining existing members?”

Coming out of the pandemic President Brown recognized that the Association needed to take that step back to see how the pandemic impacted who we were, what we did and how we do what we do. He tasked the Committee with identifying the near-term and long-term actions we needed to take to ensure the Association’s continued success.

“The pandemic has caused many organizations to re-evaluate their organizations,” stated the strategic consulting firm Danosky & Associates, “how they are serving their constituents and how to promote more equity and inclusion in the work they do.”

This report makes two recommendations:

1. Recommendation 1: Adopt a three-year Strategic Plan that (a) updates the Association’s mission, vision and values; and (b) focuses on increasing membership, enhancing our decision-making processes and builds a strong business model to increase revenues as strategic objectives with several strategic goals to achieve the objectives.
2. Recommendation 2: The Association’s Executive Committee will be responsible for the implementation. This effort involves working with volunteer leaders,

Association sections and committees as well as staff to develop the key activities and timing of the activities to execute the plan over three years.

The outline of the remainder of this report is: (1) Overview of Strategic Planning Process; (2) Prior Association Strategic Planning Work, (3) Assessment of Current and Future State; (4) Recommendations and (5) Conclusions.

## Overview of the Strategic Planning Process

"Strategic Planning," Clark Crouch, noted author and strategic planning consultant, observed "is a process by which we can envision the future and develop the necessary procedures and operations to influence and achieve that future".

The New York State Bar Association is a 501(c)(6) not-for-profit corporation under New York State not-for-profit law. Strategic Planning is an important process for all corporations – for-profit and not-for profit to ensure future success. "A strategic planning process," explains the [National Council for Nonprofits](#), "identifies strategies that will best enable a nonprofit to advance its mission."

The process for successful strategic planning<sup>1</sup> includes 5 steps below:

- **Assessment of Current State:** To understand what you need to do; you need to know what you have done. This assessment involves using several strategic planning analytical tools such as SWOT, PESTLE, Porter's Five Forces to be internally reflective and externally aware of factors impacting the organization.
- **Setting Goals and Objectives:** Based on the assessment work, the organization can set realistic and achievable goals and objectives for itself. These goals should be specific, measurable, and time bound.
- **Developing Strategies:** Once the goals and objectives have been set, the organization can then develop strategies to achieve them. These strategies may include marketing, financial, operational, and human resource strategies.
- **Implementation:** After developing the strategies, the organization needs to implement them. This involves assigning responsibilities and resources to different members in the organization to achieve the strategic goals and objectives.
- **Evaluation and Monitoring:** Finally, the organization needs to evaluate the effectiveness of the strategies and monitor progress towards achieving the strategic goals and objectives. This involves measuring performance against a set of metrics and adjusting as needed.

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<sup>1</sup> For more details about strategic planning, please see Martins, Julia, "What is strategic planning? A 5-step guide," Asana, January 23, 2024, <https://asana.com/resources/strategic-planning>.

The rest of this report will focus on the first three steps of the strategic planning steps in the next three sections: (2) Prior Association Strategic Planning Work, (3) Assessment of Current and Future State, and (4) Recommendations.

## **Prior Association Strategic Planning Work**

The Committee reviewed the Association's 2011 Strategic Plan and the 2019 Virtual Bar Center Assessment to understand the prior work done and what goals were achieved.

*2011 Strategic Plan – Focus on Membership, Technology, Finance and Programming and Services.*

In July 2010, President Stephen P. Younger appointed a Special Committee on Strategic Planning and engaged Harrison Coerver, a professional facilitator to assist with the development of the Strategic Plan. The committee focused on four areas: (1) Membership, (2) Technology, (3) Finance and (4) Programming and Services.

The Strategic Goals adopted were:

1. Increase the value of the Association to members and prospective members.
2. Strengthen the Association's CLE programming and delivery and maintain the Association's market leader position by providing quality, targeted and affordable CLE that is accessible through multiple delivery systems.
3. Strengthen the Association's Sections to add benefit to the members.
4. Use technology to communicate more effectively with existing members, attract and retain new members, and increase the overall value of membership in the Association.
5. Increase organizational support for use of technology.

The staff took the lead in implementing and executing the strategic plan. The goals were achieved, specifically:

1. Pricing accommodations have been implemented since the 2011 plan, discounting services and CLE programming, as well as providing dozens of free programs to members and non-members every given year.
2. CLE programming has grown exponentially over the last few years, including the implementation of a digital-first model.
3. NYSBA now has an on-demand CLE library with 1,700+ programs available 24/7.
4. Increased communications and dissemination of information has been evident over the years.
5. Third party resource portal allowing for job/position searches and resume sharing.
6. Implementation of online communities has led to greater networking.
7. Overhaul of various systems including website, learning management system, and association management software.

8. CTO on staff charged with developing a technology strategy aligned with the company's overall business goals and objectives. This involves assessing current technologies, anticipating future trends, and identifying opportunities for innovation.

### *2019 Building a Virtual Bar Center*

“Our present challenges do not involve brick and mortar,” President Henry “Hank” Greenberg explained to the House of Delegates at its June 2019 Meeting, “the challenge is digital.” In thinking about the Association’s future, he with senior staff and Bar leaders spent months of thinking and analysis, and interviews about how to address this challenge. This work well-positioned the Association to shift to virtually support our members nine months later when the pandemic hit.

The work also produced several key findings pertinent to the current strategic planning work:

1. NYSBA has no Significant International Competition because we are the global leader. Building our international attorney membership is a membership growth opportunity.
2. We have outdated technology.
3. Implementing staff training will strengthen our staff’s ability to support the volunteer leaders and members.
4. We need structural and operations reform.
5. We need a strategic communications plan.
6. To continue fiscal soundness, we need a multi-year strategic fiscal plan.
7. Diversity is a hidden strength that we need to continue to nurture and build.

Understanding what had been accomplished and what gaps remain, the Committee proceeded to examine the Association’s current state and consider the future state by seeking three perspectives: (1) externally – what is happening around us; (2) internally from an operational perspective, and (3) internally from our members.

## **Assessment of Current and Future State**

“If you don't know where you are going,” Yogi Berra, American baseball player observed, “you'll end up someplace else.” To understand what areas the Association should focus in on, the Committee sought information from three sources:

1. External perspective – identifying issues and trends impacting not-for-profits and the legal profession.
2. Committee perspectives – identifying issues and seeking recommendations from those handling the operations of the Association; and
3. Member perspectives – reviewing feedback from current members, former members and possible members to understand how they view the Association’s work and value.

### *External Perspective – “Business can no longer be as usual.”*

The feedback from the five consultants<sup>2</sup> the committee spoke to was clear: Associations cannot do what they had been doing before. “Not-for-profit organizations have gone through a period of significant upheaval over the past decade,” one consultant observed, further stating, “In the past three years, trends which were evolving have now substantially accelerated.” Advances in technology, new member expectations and needs, new sources of legal services and how these changes impact generating revenue are changing the way organizations have to operate to ensure continued success.

The Committee gained the following insights from the consultants:

#### Organizations have to service their Membership differently.

- Professional associations generally are experiencing declining membership: in 2019 pre-pandemic 68% struggled to explain and 32% saw 1 – 5% growth.
- Bar associations’ declining membership can be largely attributed to its traditional value proposition not aligning with the needs of younger lawyers (Noting: The younger generation of lawyers tends to place greater value on time spent outside of work-related activities.)
- To attract new members, bar associations have begun offering tiered memberships, a la carte services and enhanced online communities. (Noting: Younger members want their associations to not only offer CLE and networking opportunities, but also to represent their personal interests.)
- Organizations are adapting their programs to respond to an increase in need for services,
- Associations are integrating Diversity, Equity and Inclusion into their teams and boards; looking for ways to include diverse voices in the conversation.
- Professional membership organizations have also begun to take a personal approach to their engagement and member learning opportunities. (Noting: Members who are highly engaged and feel personally connected will also be motivated to invite their peers and colleagues, increasing enrollment overall.)
- Millennials are the largest generation in the American workforce since 2016; they appear to prioritize work-life balance.
- Gen Z is estimated to make up over 27% of the workforce by 2025; they appear to prioritize DEI initiatives and hands on experiences.

#### Technology provides support but is also disruptive.

- Technology also enables other organizations to do the work done by the bar association. One consultant said there could be a free bar association completely online.
- Traditional Association offerings are being replaced by digital offerings.

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<sup>2</sup> The key insights from KPMG, PWC, EY, Danosky & Associates and Parliamentary Associates.

- Online sites are competing with bar associations in terms of CLEs, networking and referral services.
- Technology enables increased “self/study/paced/time” options, hybrid participating options, and use of platforms that work on all devices.
- Budgets are being adjusted to invest in new systems and processes.

#### Operations need to be re-examined.

- Associations are re-thinking operations and organizational structures.
- Associations are using technology to enhance automation capabilities.
- Associations are taking steps to demonstrate greater transparency and accountability.
- Associations are also assessing what they can and cannot do.
- Disruption examples include Amending the Governing Documents to Restructure the Governing Body and allow virtual training and activities.

#### Associations are re-assessing how they engage externally.

- Associations are becoming more purpose driven.
- Associations are exploring the ecosystem where the organization works.
- Associations are engaging community voices and fostering inclusion.

#### Focusing on How to Maintain Financial Sustainability

- Associations are focusing on building financial sustainability: to ensure the ongoing viability, the organization must develop a sustainable financial model that is responsible, fair and transparent.
- Associations are developing risk-based scenarios to demonstrate financial sustainability.

#### *Committee Perspective – The Association can improve on how we operate.*

The Strategic Planning Committee worked with four Association committees to gain insights and possible recommendations for strategic goals to advance our strategic objectives. The key insights we learned from the Finance Committee, Membership Committee, Communications Committee and the Committee on Committees are excerpted<sup>3</sup> below.

#### Finance Committee - we weathered the pandemic, but headwinds are ahead.

During the pandemic, and the year that followed, the Association performed exceptionally well from an operating standpoint, due in large part to pivoting our programming to virtual, hosting two virtual Annual Meetings, transitioning other

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<sup>3</sup> The full reports are included in the Appendix.



organizational meetings and events to Zoom, and restructuring staff. We also benefited substantially from rising equity markets and the forgiveness of a sizable PPP loan.

It is quite evident, however, that we will not be able to thrive long-term as an organization simply by cutting expenses and virtually operating with a skeleton crew of employees. The Association faces significant headwinds in terms of revenue and expenses that it must confront head on, all the more so now that we own One Elk, and the significant expenses that came along with it.

#### Committee on Committees: Allocation of Staff Resources is not efficient or coordinated.

At the end of the day, this Association needs to find a way to balance the priorities of the Association, along with the priorities of the varying sections and committees. However, this can only be done if those priorities have been established in advance, and at a similar time. This strategy should not omit the ability to be flexible and pivot where necessary, handling last minute requests or changes, however those should be the “exception.” Association staff currently work a 35- hour work week based on the Human Resources department; however, there are times a Liaison role exceeds those hours. A Liaison’s time is driven by the requests and decisions made by volunteers, who are not privy to the same requests and decisions section by section, or committee by committee, making time management very difficult.

#### Communications Committee: Enhancements will Support Strong Communications Foundation.

The Committee noted that we have strong content and disseminate that content to our members through various channels. The Committee recommended improving the website, creating separate sites for the NYSBA Bar Journal together with Section publications, developing podcasts, and further using collaboration tools/software to increase engagement with Association members.

#### Committee on Membership: Great benefits but Association is difficult to navigate.

When asked how is the Association different from other bar associations, the Committee identified a dozen activities that make the Association unique and show our value including, sections, CLEs, advocacy efforts, members being generous with their time to support each other, discounted publications and using our committees and task forces to examine issues that impact lawyers.

Our size does present some challenges, including:

- It can be hard to get involved because it is big and overwhelming.
- It can be difficult to reach leadership positions, the bylaws make it challenging to break out of a Section to get to the HOD and then to the EC.
- The information is not localized enough, in a state with 62 counties and potentially 62 different local practices.

Another challenge is our demographic representation – there are five generations of lawyers in the Association. The membership needs of each generation differ.

To improve promoting our value to members, the Committee recommended several activities, including in relevant part:

- District Vice Presidents can help promote NYSBA events.
- The Sections and their District Reps can plan and hold events in each District with a goal of having events on a monthly/quarterly basis.
- Improve online user experience to provide easier access to membership benefits.

*Member Perspective – Strong Brand and Benefits but number of Members continues to decline.*

The Committee reviewed our membership data and the result of membership surveys completed in 2011 (included in the 2011 Strategic Planning Briefing), 2021 and 2022 (the most recent set of data) and pertinent years of financial reports. Key data points include:

- In 2009 our total revenue was \$23.5M; in 2023 it was \$19.2M.
- In 2011 when we adopted the strategic plan, our total number of members was 77,736; in 2023, our total number is now 56,451.
- From 2012 to 2023, total Association revenue from dues declined from \$13M in 2012 to \$9.8M in 2023.
- In 2011, dues revenue was 50% of our total revenue; today it is 51%.
- Membership Satisfaction survey data in 2022 shows the majority (62%) rated their overall experience as an Association member as valuable. The survey participants skewed to more experienced lawyers: 71% of those surveyed were lawyers with 21+ of experience while those with less than 10 years experience were 9%.
- Membership Survey data in 2022 showed that the reasons members did not renew were: (1) I am no longer a practicing attorney (28.5% v. 14.4% in 2021), (2) financial constraints (19.7% v. 32.9% in 2021), (3) I did not see the value (18.2%. V. 12.9% in 2021) and I disagreed with some of NYSBA's views (14.4% v. 23.9% in 2021).
- An MCI survey conducted of international lawyers in 2018 showed opportunities to expand our international lawyer membership. These lawyers want to be members of the Association for “prestige, credibility and career development. MCI recommended “a deliberate and focused strategy toward proactive engagement of the international community and building relationships.”

The Committee also conducted focus groups at the end of 2023. The groups consisted of a combination of veteran, new and former members of the Association. They were asked what value or benefit they saw in Association membership, to provide feedback

on the mission and vision, CLEs, and, finally, thoughts about the Association's leadership pipeline.<sup>4</sup>

In answer to the first question, some of the key responses provided were:

- Joined because I was friends with leaders at that time.
- When I graduated from law school, you automatically joined the State Bar.
- Before the internet, bar membership was the space to meet other attorneys and create a network to support the practice.
- It is important for individual lawyers to realize they are part of a bigger organization.
- The services available to them/State Bar offers services that are not available through affinity or county bars.
- Opportunity to network/see/work with/socialize with very accomplished/smart members of the profession (recurring response).

The response concerning the mission and vision is discussed under recommendations.

In response to feedback about CLEs, the majority of the focus group participants said they do not use that member benefit; The main reason was that they obtained CLEs from other organizations.

Finally, feedback concerning the leadership pipeline reflect the membership committee's comment about difficulty in becoming leaders in the Association:

- Without a mentor or someone to make the "introductions" it is challenging to get into the State Bar leadership pipeline.
- Solo practice attorneys struggle with having the time to engage in State Bar leadership even if they are able to have the "introduction."
- Why is committee service in the State Bar not more open and voluntary like other bars?
- My mentor has been instrumental in the leadership opportunities I have with NYSBA.

In his 2019 presentation, Past President Greenberg quoted, Wayne Gretzky, "I skate to where the puck is going to be, not where it has been." With the assessment completed, the Committee then focused on the future and the key areas that would drive the Association's long-term success.

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<sup>4</sup> Feedback was also provided on the new membership model. The question was asked to provide feedback to the membership committee.

## Recommendations

The Committee has two succinct recommendations.

**Recommendation #1: Adopt a three-year Strategic Plan that (a) updates the Association’s mission, vision and values; and (b) focuses on increasing membership, enhancing our decision-making processes and builds a strong business model to increase revenues as strategic objectives with several strategic goals to achieve the objectives.**

The Committee’s assessment identified several areas that the Association could focus on its strategic plan. The Committee chose the areas that would strengthen our brand, enhance our operations, address member concerns and ensure continued financial sustainability.

### *Strengthening our Brand: NYSBA the Leader of the Legal Profession*

Although members can find different ways to engage with the Association, the Association should be clear about its brand. The brand defines who we are, what is important to us, and how we achieve what is important to us. The three items that broadcast and showcase our brand are a mission, vision and value statement.

Mission Statement: This statement states what the Association does, who it serves, and its objectives.

*The New York State Bar Association will continue to be the leading voice for the legal profession by advancing the professional success of our members, equal access to justice, and the rule of law.<sup>5</sup>*

Vision Statement: This statement describes who the Association wants to be in the future.

*The New York State Bar Association engages and educates its members, shapes the development of law, responds to the demands of our diverse and ever-changing legal profession and the public we serve, and advocates for legislation, equal access to justice, and the rule of law.<sup>6</sup>*

Values: These adjectives state how one would describe the Association and its members.

- Competent
- Knowledgeable
- Informed

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<sup>5</sup> The focus group feedback on the mission statement can be found [via this link](#).

<sup>6</sup> The focus group feedback on the vision statement can be found [via this link](#).

- Responsive
- Civil
- Advocates

*Strategic Objectives: Membership, Improved Operations, Financial Sustainability*

Strategic Objectives #1: Increase NYSBA Membership by 3% annually. Why?

Membership is a key component of our mission as well as the main revenue driver for the Association.

Strategic Goals: The five goals to achieve this strategic objective focus on membership growth areas (international, law students, 50+, law firms/corporations), improving membership satisfaction (focusing on advancing the subscription model, enhancing communications, member benefits and CLE programming) and enhancing our technology capabilities.

1. Focus recruitment efforts on international, law students and 50+ membership categories
2. Create and promote Enterprise Model for law firm/corporations.
3. Use the subscription model to demonstrate our value proposition
4. Increase membership satisfaction by focusing on three areas: (a) communications; (b) refreshed benefits; and (c) optimized CLE programming
5. Review and integrate new technology capabilities in an effort to enhance what we currently have (e.g. website, podcasts, Web3, an app)

Strategic Objective #2: Better decision-making to best use volunteer leaders' and staff's time. Why? Changes in the New York Not-for-Profit Law<sup>7</sup> necessitate the Association evaluating its operations and structure. In addition, volunteer leaders and staff are seeking more collaborative and efficient ways of doing the work of the bar.

Strategic Goals: These goals were recommendations from the leaders of the By-Laws (1 + 2) and Committee on Committees (3 + 4).

1. Amend Association By-laws to enhance compliance with NYS not-for-profit law
2. Revise Association policies and procedures to support amended By-Laws
3. Create and align staff and volunteer leader to roles and responsibility descriptions
4. Volunteer leaders will develop section/committee goals and objectives each year to better align staff resources.

Strategic Objective #3: Build a business model that funds the better funds Association operations, including diverse revenue streams. Why? Membership dues constitute 51% of the Association's revenues. CLEs constitute 13% of revenue. The Finance Committee stated clearly the Association must increase revenue because we cannot reduce expenses further.

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<sup>7</sup> New York Not-For-Profit Corporation Law Article 7 - DIRECTORS AND OFFICERS describes the governing body of a not-for-profit corporation.

Strategic Goals: These strategic goals seek to expand our business model to diversify our revenue streams to (1) include additional partners to provide member benefits, (2) develop more sponsors to generate more revenue from the Annual Meeting and (3) obtain more funding from foundations and other grant providing organizations.

1. Add eight New Member Benefit Partners
2. Increase sponsorship revenue to be 20% of Meeting sponsorship.
3. Increase revenue from grant submissions by 10%.

**Recommendation #2: Executive Committee will be responsible for implementing in three years the Strategic Plan with the support of Staff.**

"In real life, strategy is actually very straightforward. You pick a general direction and implement like hell." — Jack Welch, former CEO of General Electric

The fourth step in strategic planning is implementation. Once the strategic plan is adopted, the organization needs to implement it. The Strategic Planning Committee recommends that the Association's Executive Committee be responsible for the implementation. This effort involves working with volunteer leaders, Association sections and committees as well as staff to develop the key activities and timing of the activities to execute the plan over three years.

The Executive Committee should also ensure that the fifth and final step - Evaluation and Monitoring - is done. This step involves evaluating the effectiveness of the adopted strategic objectives, holding those accountable for their implementation tasks and monitoring progress towards achieving the strategic goals and objectives.

## **Conclusion**

"Strategy is, at some level, the ability to predict what is going to happen, but it is also about understanding the context in which it is being formulated. And then you have to be open-minded to the fact that you are not going to get it right at the very beginning." Martin Dempsey

After two years of work, the Committee has developed and recommended a strategic plan with specific, measurable, achievable, relevant, and time-bound goals and objectives. The Committee believes these goals and objectives will provide direction, motivation, and a framework for planning, decision-making, and performance evaluation in the near and distant future. The Committee also recognizes that some of these goals may be expanded on or re-evaluated after the initial rollout depending on any organizational changes or unknown priorities that may have yet to be discovered at this time.

"Over its almost 150-year history," Past President Scott Karson observed in a May 4, 2021 article entitled, "[A Vision for the Future of NYSBA](#)", "NYSBA has frequently adapted to meet the needs of its members, the legal profession and the public. Time

and again, we have expanded operations and broadened our outlook, as dictated by the needs of the day.” The needs of **today** now dictate that the Association must adopt a new strategic plan to (1) align our activities to the current and emerging needs of our members, (2) sets us on the path to take advantage of additional revenue streams to ensure continued financial sustainability, and (3) enhances how we lead the legal profession to address the novel and complicated legal issues we now face.

*Thank you to all of the committees who provided feedback during the strategic planning process, as well as Ramona Hill and the rest of the team at Parliamentary Associates for their dedicated work with the Strategic Planning Committee.*

# Appendix

[Click on each link to view the corresponding resource]

1. [SWOT Analysis](#)
2. [PESTLE Analysis](#)
3. [Porter's Five Forces](#)
4. [KPMG Strategic Planning Presentation](#)
5. [PWC Strategic Planning Presentation](#)
6. [EY Parthenon Strategic Planning Presentation](#)
7. [Danosky & Associates Strategic Planning Report](#)
8. [Parliamentary Associates Strategic Planning Presentation](#)
9. [Strategic Planning Committees](#)
10. [Focus Group Feedback prepared by Parliamentary Associates](#)
11. [EC/HOD January 2024 Meeting Survey Feedback](#)
12. [Strategic Plan Overview Presentation](#)
13. [2011 Strategic Planning Report \(Annotated\)](#)
14. [Building a Virtual Bar Presentation \(2019\)](#)
15. [Video of Virtual Bar Presentation \(2019\)](#)
16. [Committee on Membership Strategic Planning Update](#)
17. [Finance Committee Strategic Planning Update](#)
18. [Committee on Committees Strategic Planning Update](#)
19. [Committee on Communications and Publications Strategic Planning Update](#)